



**CUYAHOGA COUNTY**  
**BOARD OF ELECTIONS**

**Jeff Hastings, Chairman**

**Anthony W. Perlatti, Director**

**Inajo Davis Chappell, Board Member**

**Anthony Kaloger, Deputy Director**

**Terence M. McCafferty, Board Member**

**Lisa M. Stickan, Board Member**

**MEETING AGENDA**

**September 29, 2022**

**9:30 a.m.**

**THE PLEDGE OF ALLEGIANCE**

**ADMINISTRATIVE**

1. Approval of the minutes from the August 22, 2022, September 1, 2022, and September 12, 2022, Board Meetings
2. Acknowledgment of Secretary of State Directives and Advisory:
  - a. Directive 2022-44; Revised Form of Ballot and Statewide Candidates for November 8, 2022, General Election
  - b. Directive 2022-45; Secure Absentee Ballot Receptacles, Bipartisan Collection of Absentee Ballots, Election Security, and Observers
  - c. Advisory 2022-04; House Bill 140 and Changes to Tax Levy Law

**REGISTRATION**

3. Determination of the validity of provisional ballots and authorization to count provisional ballots from the September 13, 2022, Berea Ward 01 Recall Election

**CANDIDATE AND PETITION SERVICES**

4. Acknowledgment of death in, resignation from and appointments to elected office

**ELECTION OFFICIALS**

5. Acknowledgment of the PEO Performance Report from the September 13, 2022, Berea Ward 01 Recall Election

**BALLOT**

6. Certification of the official results of the September 13, 2022, Berea Ward 01 Recall Election
  - a. Authorization to approve the remake of the optical scan ballots from the September 13, 2022, Berea Ward 01 Recall Election
  - b. Authorization to approve absentee ballots from the September 13, 2022, Berea Ward 01 Recall Election
  - c. Authorization to approve provisional ballots from the September 13, 2022, Berea Ward 01 Recall Election
  - d. Acknowledgment of the pre & post-test results of the vote tabulation system from the September 13, 2022, Berea Ward 01 Recall Election

Video of this meeting can be viewed at <https://www.youtube.com/CuyahogaCountyBOE>

<sup>1</sup> Please email [mbejjani@cuyahogacounty.gov](mailto:mbejjani@cuyahogacounty.gov) or [dwhite1@cuyahogacounty.gov](mailto:dwhite1@cuyahogacounty.gov) with your name and the nature of your comment so we can fully assist you.

7. Acknowledgment of the Ballot Proofs for the November 8, 2022, General Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting

#### **FISCAL SERVICES**

8. Approval of the Fiscal Resolution Process
9. Approval to purchase election night driver services from Willo Security, Incorporated for the November 8, 2022, General Election in amount not to exceed \$28,340.00
10. Approval of voucher

#### **HUMAN RESOURCES**

11. Approval of the personnel agenda

#### **NEW BUSINESS**

- Update as to East Cleveland Councilman Ernest Smith's comments about the circulation of recall petitions made at the 9/1/2022 CCBOE Meeting
- Pinnacle Award in Web Design
- Election Update

#### **PUBLIC COMMENT<sup>1</sup>**

#### **EXECUTIVE SESSION**

Discussion of personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and disputes involving the public body that are the subject of pending or imminent court action.

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

## 2022 Board Meeting Schedule

### September 2022

**Thursday, September 29<sup>th</sup> @ 9:30AM**

Provisional verification and Certification of the September 13, 2022  
Berea Ward 01 Recall Election

### October 2022

**Wednesday, October 12<sup>th</sup> @ 9:30AM**

October Board Meeting

### November 2022

**Thursday, November 3<sup>rd</sup> @ 9:30AM**

Meeting for the November 8, 2022 General Election

**Tuesday, November 8<sup>th</sup>**

November 8<sup>th</sup> General Election

**Monday, November 21<sup>st</sup> @ 9:30AM**

Provisional verification for the November 8, 2022 General Election

**Tuesday, November 29<sup>th</sup> @ 9:30AM**

Certification of the November 8, 2022 General Election

### December 2022

**Wednesday, December 14<sup>th</sup> @ 9:30AM**

December Board Meeting

# Agenda Item

#1

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting  
8/22/2022

**Attending:**

Jeff Hastings, Chairman  
Inajo Davis Chappell, Board Member  
Terence M. McCafferty, Board Member  
Lisa M. Stickan, Board Member  
Anthony Perlatti, Director  
Tony Kaloger, Deputy Director

Mary Bejjani, Clerk to the Board  
Skip White, Clerk to the Board

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The Cuyahoga County Board of Elections Meeting began at 9:03 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all Board Members were in attendance.

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**Agenda Item 1: Recommendation for the New Voting Equipment for Cuyahoga County Board of Elections**

Director Perlatti stated that today there will be a staff recommendation to the Board for the New Voting Equipment for the CCBOE. Peter James, Election and Compliance Administrator presented highlights of the written Final Staff Recommendation report. Mr. James stated the Final Staff Recommendation report is included in the Board Materials and will also be posted on the CCBOE website. The CCBOE Voting Equipment Committee unanimously recommends ClearBallot to be the CCBOE's next voting equipment and tabulation system vendor.

*A transcript of this hearing can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at [216-443-6430/mbejjani@cuyahogacounty.gov](mailto:216-443-6430/mbejjani@cuyahogacounty.gov)*

Chairman Hastings moved to approve the Recommendation for the New Voting Equipment for Cuyahoga County Board of Elections. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 2: Authorization for the Director, Deputy Director and County Prosecutor to negotiate a contract with the recommended voting equipment vendor**

Chairman Hastings moved to authorize the Director, Deputy Director and County Prosecutor to negotiate a contract with the recommended voting equipment vendor. Board Member Davis Chappell seconded. The motion passed unanimously.

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Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

**Agenda Item 3: Protest hearing filed by Shalira Taylor regarding Shayla Davis's petitions for Ohio House District 18**

*A transcript of this hearing can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at [216-443-6430/mbejjani@cuyahogacounty.gov](mailto:216-443-6430/mbejjani@cuyahogacounty.gov)*

Board Member Davis Chappell moved to deny the protest filed by Shalira Taylor regarding Shayla Davis's petitions for Ohio House District 18. Board Member McCafferty seconded.

A Roll Call Vote was taken on this motion:

Board Member Davis Chappell: Yes

Board Member McCafferty: Yes

Chairman Hastings: No

Board Member Stickan: No

The first motion resulted in a 2-2 vote and did not pass. Chairman Hastings asked if there was another motion.

Chairman Hastings moved to uphold the protest filed by Shalira Taylor against Shayla Davis's petitions for Ohio House District 18. Board Member Stickan seconded.

A Roll Call Vote was taken on this motion.

Chairman Hastings: Yes

Board Member Stickan: Yes

Board Member Davis Chappell: No

Board Member McCafferty: No

The second motion resulted in a 2-2 vote and did not pass.

The matter will be referred to the Ohio Secretary of State.

**Agenda Item 4: Certification of the September 13, 2022, Berea Ward 01 Recall Election issue**

Chairman Hastings moved to Certification of the September 13, 2022, Berea Ward 01 Recall Election issue. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

**Agenda Item 5: Certification of the East Cleveland Mayoral Recall election issue and establishing said recall election at the November 8, 2022, General Election**

Director Perlatti stated the petitions for the East Cleveland Mayoral Recall were received, validated and the City of East Cleveland Clerk was notified there were sufficient signatures. Per the City Charter the Mayor was given five days to resign and the mayor did not resign. Per the City Charter at the conclusion of the five-day period, the Election must be held between 60-90 days. The Charter further states if the General Election falls within the window, the Recall Election would be held the same day as the General Election. The November 8, 2022, General Election does fall within the window which dictates the date of the Recall Election.



Mayor Brandon King spoke to the Board requesting a special recall election be held separate from the November 8, 2022, General Election.

Patricia Blochowiak spoke to the Board requesting the East Cleveland Mayoral Recall Election be held on November 8, 2022.

Chairman Hastings stated the CCBOE staff and Assistant Prosecutor Musson have reviewed the City of East Cleveland's Charter and agree the East Cleveland Mayoral Recall Election should be held on November 8, 2022, General Election. Chairman Hastings read from relevant sections of the City of East Cleveland's Charter "*such elections shall not be held less than 60 not more than 90 days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period, the election authorities shall call a special recall election.*" Chairman Hastings asked Director Perlatti if clearly a general election will be held within the time period. Director Perlatti stated correct. Chairman Hastings asked if there was no general election scheduled then the CCBOE would have to set a date. Director Perlatti stated correct.

Chairman Hastings moved to certify the East Cleveland Mayoral Recall election issue and establishing said recall election at the November 8, 2022, General Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

#### **Agenda Item 6: Acknowledgment of death in, and appointment to elected office**

Chairman Hastings moved to acknowledge the death in, and appointment to elected office as provided in the meeting materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

#### **Agenda Item 7: Acknowledgment of candidate withdrawal**

Chairman Hastings moved to acknowledge the candidate withdrawal as provided in the meeting materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

#### **Agenda Item 8: Certification of the official results of the August 2, 2022, Primary Election**

Brian Cleary, Ballot Department Manager, presented information from the Board Packet regarding the certification of the official results from the August 2, 2022, Primary Election.

There will be an automatic recount for the contest for State Central Committee District 24 Democrat Man. Mr. Cleary stated the automatic recount is scheduled for Tuesday, August 30, 2022, at 9:30 a.m. The requested recount deadline is Monday, August 29, 2022, at 4:00 p.m. If there are no requested recounts the post-election audit will be scheduled for Tuesday, September 6, 2022, at 9:00 a.m.

- **Authorization to approve the remake of the optical scan ballots from the August 2, 2022, Primary Election**  
Chairman Hastings moved to authorize to approve the remake of the optical scan ballots from the August 2, 2022, Primary Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.
- **Authorization to approve absentee ballots from the August 2, 2022, Primary Election**

Chairman Hastings moved to authorize approval of the absentee ballots from the August 2, 2022, Primary Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

- **Authorization to approve provisional ballots from the August 2, 2022, Primary Election**  
Chairman Hastings moved to authorize approval of the provisional ballots from the August 2, 2022, Primary Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.
- **Acknowledgment of the pre & post-test results of the vote tabulation system from the August 2, 2022, Primary Election**  
Chairman Hastings moved to acknowledge the pre & post-test results of the vote tabulation system from the August 2, 2022, Primary Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Chairman Hastings moved to certify the official results of the August 2, 2022, Primary Election. Board Member Davis Chappell seconded the motion. Board Member Stickan abstained from certifying the contest of Republican State Central Committee District 18 Woman. The motion passed unanimously.

#### **Agenda Item 9: Acknowledgment of the date, time, and place of the post-election audit for the August 2, 2022, Primary Election**

Brian Cleary, Ballot Department Manager, stated the post-election audit for the August 2, 2022, Primary Election is scheduled for Tuesday, September 6, 2022, at 9:00 a.m. The Board Members selected eligible contests that were written on sheets of paper and placed in a bin. Board Member Stickan selected contest Democrat State Central Committee District 23 woman. Board Member McCafferty selected Republican State Central Committee District 24 Man.

Chairman Hastings moved to acknowledge Tuesday, September 6, 2022, at 9:00 a.m. for the post-election audit for the August 2, 2022, Primary Election for the contests as read into the record by Board Members McCafferty and Stickan. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

The Board discussed and added a September 1, 2022, 9:30 a.m. Board Meeting to certify the recount from the August 2, 2022, Primary Election.

#### **Agenda Item 10: Acknowledgment of the Ballot Proofs for the September 13, 2022, Berea Ward 01 Recall Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting**

Chairman Hastings moved to acknowledge the Ballot Proofs for the September 13, 2022, Berea Ward 01 Recall Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

#### **Agenda Item 11: Final approval of the ballot order for the September 13, 2022, Berea Ward 01 Recall Election**



Chairman Hastings moved to approve the final ballot order for the September 13, 2022, Berea Ward 01 Recall. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

**Agenda Item 12: Authorization to pay: 1 Voting Location Manager x \$275 = \$275; 1 Voting Location Deputy x \$275 = \$275; 6 Precinct Election Officials x \$250 = \$1,500 for the September 13, 2022, Berea Ward 01 Recall Election**

Chairman Hastings moved to authorize to pay: 1 Voting Location Manager x \$275 = \$275; 1 Voting Location Deputy x \$275 = \$275; 6 Precinct Election Officials x \$250 = \$1,500 for the September 13, 2022, Berea Ward 01 Recall Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

**Agenda Item 13: Final authorization for the allocation of voting booths for the September 13, 2022, Berea Ward 01 Recall Election. Allocation quantities are based on social distancing and room size per polling location. A total of 11 voting booths will be allocated + 2 DS200 precinct scanners + 1 ADA AutoMark voting units and 2 Electronic Poll books**

Chairman Hastings moved to approve the final allocation of voting booths for the September 13, 2022, Berea Ward 01 Recall Election. Allocation quantities are based on social distancing and room size per polling location. A total of 11 voting booths will be allocated + 2 DS200 precinct scanners + 1 ADA AutoMark voting units and 2 Electronic Poll books. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

**Agenda Item 14: Approval to Terminate Contract (CM1356) with Tenex Software Solutions providing Online Poll Worker Management Solution Software, Election Force, Under the Authority of Subdivision (I)(3), Article IV. of the Contract**

Chairman Hastings moved to approve to Terminate Contract (CM1356) with Tenex Software Solutions providing Online Poll Worker Management Solution Software, Election Force, Under the Authority of Subdivision (I)(3), Article IV. of the Contract. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

**Agenda Item 15: Approval to send Voter Information Guide to all active voters' households in Cuyahoga County for the November 8, 2022, General Election**

Chairman Hastings moved to approve to send Voter Information Guide to all active voters' households in Cuyahoga County for the November 8, 2022, General Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

**Agenda Item 16: Approval of vouchers**

Chairman Hastings moved to approve the vouchers set forth in the board materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

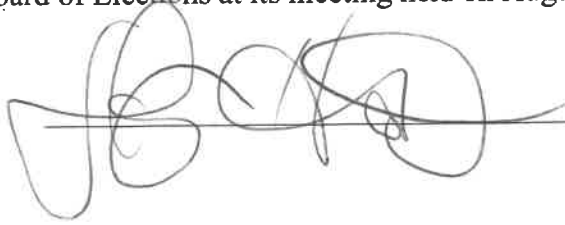
**NEW BUSINESS**

**PUBLIC COMMENT**

Chairman Hastings moved to recess the meeting at 12:51 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on August 22, 2022.


Jeff Hastings, Chairman

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Inajo Davis Chappell, Board Member

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Terence M. McCafferty, Board Member

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Lisa M. Stickan, Board Member

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Anthony Perlatti, Director

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# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting  
9/1/2022

**Attending:**

Jeff Hastings, Chairman  
Terence M. McCafferty, Board Member  
Lisa M. Stickan, Board Member  
Anthony Perlatti, Director  
Tony Kaloger, Deputy Director

Mary Bejjani, Clerk to the Board  
Skip White, Clerk to the Board

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The Cuyahoga County Board of Elections Meeting began at 9:31 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that Board Members Stickan and McCafferty were in attendance. Board Member Davis Chappell was excused from today's meeting.

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Chairman Hastings moved to excuse Board Member Davis Chappell's absence. Board Member Stickan seconded. The motion passed unanimously.

**Agenda Item 1:** Certification of the automatic recount from the August 2, 2022, Primary Election for the State Central Committee District 24 Democrat Man

Brian Cleary, Ballot Department Manager, presented information from the board packet regarding the certification of the automatic recount from the August 2, 2022, Primary Election for State Central Committee District 24 Democrat Man.

Chairman Hastings moved to certify the automatic recount from the August 2, 2022, Primary Election for the State Central Committee District 24 Democrat Man. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 2:** Certification of the East Cleveland Member of Council Ward 03 Recall election issue and establishing said recall election at the November 8, 2022, General Election

Director Perlatti stated pursuant to the City of East Cleveland's Charter, petitions were circulated for the recall of Ernest Smith, Ward 03 Councilperson. The CCBOE validated the petition signatures and determined there were sufficient valid signatures. The petitions were then returned to the Clerk of the City of East Cleveland. Per the East Cleveland Charter, the City sent a five-day resignation notification to the Member of Council Ward 03. The City did not receive a resignation. Therefore, based on the Charter, the recall issue should be certified to add to the November 8, 2022, General Election.

Chairman Hastings opened the floor to the public for comments regarding the matter.

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Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

Angela Y. Davis, Kristopher Johnson, Councilman Ernest L Smith, and Donna Walker-Brown spoke against the recall election being approved to the ballot. Councilman Ernest L Smith submitted to the Board four signed statements regarding the validity of petition signatures and additional documentation.

Chairman Hastings asked Brent Lawler, Candidate and Petition Services Manager, to review the results of the CCBOE petition certification. Mr. Lawler stated when the CCBOE receives petitions, the petition is entered into a petition module, and the Registration Department verifies each signature. When a signature is reviewed, specific coding either approves or invalidates the signature. If a registered voter signs two petitions, the first signature is counted, and the second signature is a duplicate signature and not counted. In this case, there were two signers with duplicate signature lines.

Chairman Hastings stated that the CCBOE reviews the signatures to make sure people who sign the petitions are registered voters; if the signer is not registered, the signature does not count. The City of East Cleveland Charter permits a recall petition to be validated by the CCBOE. In this matter, there were 243 total signatures, of which 168 were valid and 75 signatures were not valid.

Director Perlatti stated once a petition is verified, the Director signs a Petition Certification Form, and the Candidate and Petition Services Department contacts the City Clerk to pick up the certification of the petition form and petitions. Chairman Hastings stated the East Cleveland Charter dictates the process, and the CCBOE's job is administrative. That is the CCBOE verifies the validity of the signatures and thereby determines if the petitions have sufficient signatures. The Director then notifies the City's Clerk of Council. If there are sufficient valid signatures, the City's Clerk of Council, per the Charter, then issues the notice to the recall candidate, indicating the number of mandated days for the candidate to resign. When a candidate does not resign, the City orders the CCBOE to fix the day for holding the recall election. Chairman Hastings stated in accordance with the State of Ohio's Constitution, the CCBOE does not have the authority not to certify the recall issue.

Board Member Stickan asked how many total signatures were required. Mr. Lawler stated that 154 signatures were required for the petition to be valid. Board Member Stickan stated Mr. Smith submitted four signature statements, and if those statements would be considered, there were still enough valid signatures to validate the recall petition.

Director Perlatti stated petitioners who want to circulate a petition for an issue in the City of East Cleveland go to the City to obtain the petitions, which the City Clerk of Council creates. The petition does state what it is for. The signers of a petition should be aware of what they are signing regardless of what the circulator says. Board Member Stickan clarified the purpose of the petition is stated on each petition page. Director Perlatti stated yes.

Chairman Hastings stated if Mr. Smith wants to pursue allegations of fraud on the petitions, the CCBOE will investigate the matter. Mr. Smith should meet with Deputy Director Kaloger to initiate an investigation. Deputy Director Kaloger and CCBOE staff will investigate the allegations of fraud and report back to the Board. However, what is clear is that even if the four statement signatures were withdrawn from the petition, there remain enough signatures to certify this matter. Board Member Stickan stated that certifying the signatures is not a discretionary matter for the Board regarding whether Mr. Smith is a good councilman. The East Cleveland Charter dictates the recall process.

Chairman Hastings moved to certify the East Cleveland Member of Council Ward 03 Recall election issue and established said recall election at the November 8, 2022, General Election. Board Member McCafferty seconded. The motion passed unanimously.

### **Agenda Item 3: Certification of Write-In Candidates for the November 8, 2022, General Election**

Chairman Hastings moved to certify the Write-In Candidates for the November 8, 2022, General Election as provided in the board materials. Board Member McCafferty seconded. The motion passed unanimously.

### **Agenda Item 4: Approval of voucher**

Chairman Hastings moved to approve the vouchers set forth in the board materials. Board Member McCafferty seconded the motion. The motion passed unanimously.

### **Agenda Item 5: Approval of the personnel agenda**

Chairman Hastings moved to approve the personnel agenda set forth in the board materials. Board Member McCafferty seconded the motion. The motion passed unanimously.

### **Walk-on Agenda Item: Acknowledgment of Secretary of State Directive 2022-43: Ballots and Statewide Candidates for November 8, 2022 General Election**

Chairman Hastings moved to acknowledge the Secretary of State Directive 2022-43: Ballots and Statewide Candidates for the November 8, 2022, General Election. Board Member McCafferty seconded the motion. The motion passed unanimously.

### **NEW BUSINESS**

Director Perlatti stated the CCBOE is preparing for the September 13, 2022, Berea Ward 01 Recall Election. The CCBOE has received no in-person voters and five vote-by-mail applications.

For the November 8, 2022, General Election, the Ballot Department is beginning to lay out the ballot and start the proofing process. The Election Officials Department has sent the first notification to poll workers interested in working for the November General Election. The response has been positive, with over fifty percent stating they are willing to work. The response to the new Refer-A-Friend program for poll workers has been positive, with seventy people expressing interest.

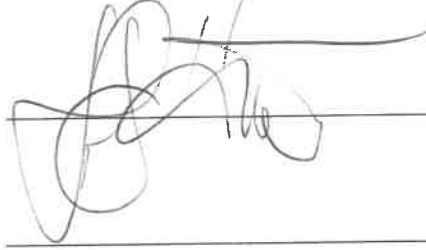
### **PUBLIC COMMENT**

Mr. Dontez Taylor provided public comment to the Board.

Chairman Hastings moved to adjourn the meeting at 10:08 a.m. Board Member McCafferty seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on September 1, 2022.

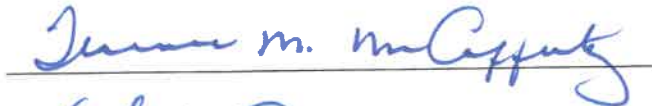
Jeff Hastings, Chairman

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Inajo Davis Chappell, Board Member

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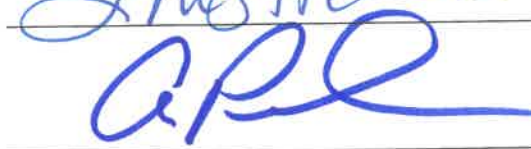
Terence M. McCafferty, Board Member

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Lisa M. Stickan, Board Member

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Anthony Perlatti, Director

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# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting  
9/12/2022

**Attending:**

Jeff Hastings, Chairman  
Inajo Davis Chappell, Board Member  
Terence M. McCafferty, Board Member  
Lisa M. Stickan, Board Member  
Anthony Perlatti, Director  
Tony Kaloger, Deputy Director

Mary Bejjani, Clerk to the Board  
Skip White, Clerk to the Board

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The Cuyahoga County Board of Elections Meeting began at 9:30 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all Board Members were in attendance.

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**Agenda Item 1: Approval of the minutes from the August 15, 2022, Board Meeting**

Chairman Hastings moved to approve the minutes from the August 15, 2022, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 2: Acknowledgment of Post-Election Audit Summary for the August 2, 2022, Primary Election**

Brian Cleary, Ballot Department Manager, presented information from the Board Packet regarding the Post-Election Audit Summary from the August 2, 2022, Primary Election.

Chairman Hastings moved to acknowledge the Post-Election Audit Summary for the August 2, 2022, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 3: Acknowledgment of the Early In-Person Voting PEO Performance Report from the August 2, 2022, Primary Election**

Steve Doell, Candidate and Petition Services Supervisor, presented a summary regarding the Early In-Person Voting PEO Performance Report from the board packet.

Chairman Hastings moved to acknowledge the Early In-Person Voting PEO Performance Report from the August 2, 2022, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

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Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

#### **Agenda Item 4: Discussion regarding Brandon King's recall affidavit**

The Board discussed Brandon King's September 2, 2022, recall affidavit challenging the number of words on the East Cleveland Mayoral Recall petition.

*A transcript of this hearing can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at [216-443-6430/mbejjani@cuyahogacounty.gov](mailto:216-443-6430/mbejjani@cuyahogacounty.gov)*

Chairman Hastings stated it is his position that the CCBOE does not have jurisdiction regarding the matter. The Board did not make any motions or take any actions regarding Brandon King's recall affidavit.

#### **Agenda Item 5: Certification of the East Cleveland Member of Council Ward 04 Recall election issue and establishing said recall election at the November 8, 2022, General Election**

Korean Stevenson, East Cleveland Councilwoman, Ward 4, addressed the Board objecting to the certification of the East Cleveland Member of Council Ward 04 Recall Election issue. Ms. Stevenson provided documentation to the Board on September 9, 2022, relating to the petitions' legitimacy.

*A transcript of this hearing can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at [216-443-6430/mbejjani@cuyahogacounty.gov](mailto:216-443-6430/mbejjani@cuyahogacounty.gov)*

Board Member Davis Chappell moved to reject the certification of the East Cleveland Member of Council Ward 04 Recall election issue based on the fact that additional evidence provided at the hearing suggested that there are not the minimum required signatures to certify this matter to the ballot. Chairman Hastings seconded the motion and added that in the voluminous documents Ms. Stevenson submitted to the Board on Friday, September 9, 2022, part of the documents submitted, specifically Exhibit E, indicates that Mr. Darryl G. Moore circulated petitions for the recall of Ms. Stevenson. Mr. Moore was convicted of a federal felony in federal criminal Case Number 107-CR-319 and sentenced to 53 months in prison. There are no indications that Mr. Moore has had his federal disability removed. Therefore, under state law, the petitions he circulated are invalid. There are also documents from the CCBOE staff showing there were 50 valid signatures Mr. Moore collected. Those signatures are now invalid due to the federal conviction of the circulator. The petition to recall East Cleveland Member of Council Ward 04 no longer meets the minimum number of valid signatures required. Board Member Stickman abstained due to a relative being part of the federal court prosecution team against Mr. Moore. Board Members Hastings, Davis Chappell, and McCafferty voted in favor of the motion. The motion passed.

Chairman Hastings noted that there were several public comment requests in support of Councilwoman Stevenson. There were no public comments contra.

#### **Walk-on Agenda Item: Acknowledgment of Secretary of State LaRose's tie vote letter dated September 9, 2022, upholding the protest of Shalira Taylor against Shayla Davis**

Chairman Hastings moved to acknowledge Secretary of State LaRose's tie vote letter dated September 9, 2022, upholding the protest of Shalira Taylor against Shayla Davis. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

## **Agenda Item 6: Certification of issues for the November 8, 2022, General election**

Chairman Hastings moved to certify the issues for the November 8, 2022, General Election as set forth in the agenda, with the exception of East Cleveland Member of Council Ward 04 Recall Election based on the Board's previous action today. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

## **Agenda Item 7: Acknowledgment of the PEO Performance Report from the August 2, 2022, Primary Election**

Marlene Robinson Statler, Election Officials Assistant Manager, presented information from the board packet regarding the Precinct Election Official (PEO) Performance Report.

Chairman Hastings moved to acknowledge the PEO Performance Report from the August 2, 2022, Primary Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

## **Agenda Item 8: Recommendation of voting equipment ancillary items and funding request**

Director Perlatti stated during the August 22, 2022, presentation for voting equipment, CCBOE staff indicated in addition to the core voting equipment, there is equipment that does not qualify for State funding. The additional ancillary equipment will need to be funded through Cuyahoga County Council. The ancillary equipment includes items such as tables for the scanners, Ballot-on-Demand, ballot joggers, which prepare the ballots for scanning, etc. Additionally, items are included related to the new SOS Cyber Security and Fiscal Security Directive which requires the purchase of new equipment to increase the security and integrity of the elections. CCBOE management staff has been working together to identify the key ancillary equipment needed.

Board Member Davis Chappell stated there is a September 28, 2022, deadline with County Council and asked if the list is comprehensive enough. Director Perlatti stated the list is comprehensive. The list does not include additional labor required in 2023 for unpacking and additional training. County Council will be advised of the additional labor costs for 2023.

Shaunquitta Walker, Fiscal Services Manager, stated the CCBOE met last week with the Office of Budget Benefits Specialist to inform the County of the upcoming requests. The County specialist has advised the County Director of Budget and County Council of the upcoming requests, and provided the CCBOE a timeline of the required deadlines.

Director Perlatti stated once the appropriation is approved, the CCBOE will begin the official procurement process. Board Member Davis Chappell asked if the CCBOE worked with other Ohio counties that recently purchased voting equipment. Deputy Director Kaloger stated that other counties did provide ancillary equipment information during the voting equipment selection process.

Chairman Hastings moved to recommend the budgeting monies for the purchase of voting equipment ancillary items, and funding request as set forth in the board materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

## **NEW BUSINESS**

### **Confidential SOS Directive 2022-38 Update**

Director Perlatti stated the CCBOE is meeting all the requirements concerning confidential SOS Directive 2022-38. Chairman Hastings stated the SOS Directive concerns cyber security and preventing any attacks on boards of elections software and hardware. Under the public records law, the Directive is considered confidential. Board Members are aware of the updates, and the CCBOE staff is working to ensure compliance with the Directive.

Chairman Hastings moved to acknowledge the confidential SOS Directive 2022-38 Update. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

### **November 8, 2022, General Election Update**

Director Perlatti provided a November 8, 2022, General Election update. Director Perlatti stated that the Election Officials Department has placed and trained approximately 2,600 poll workers, which is 70% of what is needed. Poll worker training began last Friday. The Election Officials Department has sent out about 800 messages to poll workers who previously worked and have not confirmed for November. Additionally, the Election Officials Department continues to process new applications for poll workers.

The Election Support Department has locked in all of the November polling locations. Between August 2<sup>nd</sup> and November, there will be nine locations that will change. The voters impacted by the changes will receive a letter detailing where and why the location change is necessary. In addition, the Voter Information Guide for those locations will notate the changes.

In even-year elections, the SOS typically sends out Vote-by-Mail (VBM) ballot application request forms. The SOS recently mailed out the first of three planned mailings. Prior to the SOS mailing, the Ballot Department had received around 15,000 VBM ballot application request forms. Since the SOS mailing, the CCBOE has received approximately 85,000 VBM applications. The Ballot Department has processed about 15,000 applications. The Ballot Department is primarily focused on proofing the ballot information as UOVACA begins on September 23, 2022, and the priority is making sure the ballot is ready. The CCBOE is moving forward accordingly in preparing for the November 8, 2022, General Election.

### **September 13, 2022, Berea Ward 01 Recall Election**

On Tuesday, September 13, 2022, there is a Berea Ward 01 Recall Election. Early in-person voting closes at 2:00 p.m. today. The CCBOE was open over the weekend and received many early voters. The CCBOE has received 44 VBM ballot applications, and eight ballots have been returned. CCBOE staff will deliver the Election Day equipment on Tuesday at 5:00 a.m., and polls will open at 6:30 a.m. After the polls close at 7:30 p.m., the CCBOE staff will bring back the voting equipment, ballots, and memory sticks. Election night duties are anticipated to be finalized by 9:30 p.m. on Tuesday, September 13, 2022.

## **PUBLIC COMMENT**

Willa Hemmons, East Cleveland Law Director, provided public comment regarding Brandon King's recall affidavit.

William Fambrough provided public comment regarding Brandon King's recall affidavit.

Patricia Blochowiak provided public comment regarding Brandon King's recall affidavit,

Chairman Hastings moved to recess the meeting at 10:55 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on September 12, 2022.

Jeff Hastings, Chairman




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Inajo Davis Chappell, Board Member

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Terence M. McCafferty, Board Member



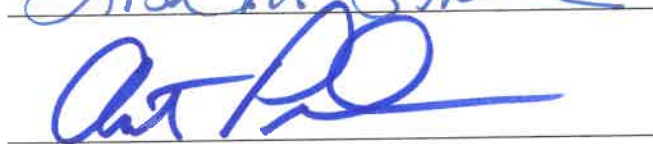
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Lisa M. Stickan, Board Member



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Anthony Perlatti, Director



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# Agenda Item #2



a)

**RELEASED: September 21, 2022**

## **SUMMARY**

- *Directive 2022-44* provides the following relative to the November 8, 2022 General Election:
  - A revised certified form of the official ballot;
  - The names of the candidates who have been certified by the SOS;
  - Updated list of individuals who have filed a valid declaration of intent to be a write-in candidate for a statewide office; and
  - Language for statewide issues to be printed on those ballots.
- *Directive 2022-44* rescinds and replaces *Directive 2022-43*
- The most significant development is that on September 20, 2022, the Supreme Court of Ohio ordered the SOS to certify Terpsehore P. Maras as an independent candidate for the Secretary of State race.
- The CCBOE must re-proof its ballots. It must then provide a new ballot file to its print vendor.
- L&A testing of any machine must use the new ballots with the correct candidates listed.
- Sample ballots and the UOCAVA required 46-day notice must be updated and posted on the CCBOE website by Friday, September 23, 2022.

## **INSTRUCTIONS**

This Directive must be used in conjunction with Chapter 5 (Ballots) of the Election Official Manual ("EOM") when preparing ballots for this election.

### **I. VERIFYING DISTRICT RELATIONSHIPS**

Before programming any aspect of the central tabulating system for the November 8, 2022 General Election, the CCBOE must verify the accuracy of district relationships in the central tabulating system against its voter registration system.

### **II. OFFICIAL BALLOT FORMS**

The certified ballot form accompanying this Directive are for offices that will appear on the ballot for the November 8, 2022 General Election. The ballot form contains the correct title for each office and the order in which offices must appear on the ballot. The ballot form also contains the name of each statewide candidate exactly as the candidate's name must appear on all ballots for all voting systems.

### **III. BALLOT PROOFING AND PRINTING**

Due to the necessary changes to the ballot, each board must carefully review and proof every ballot style to ensure no other changes are inadvertently made, especially in spacing and alignment, when adding a candidate to the ballot. In particular:

- The updated ballot file is provided to the ballot printing vendor and all such ballot files are reviewed and approved before production.
- The sample ballot on the board's website is updated by Friday, September 23, 2022;
- The 46-Day Federal Write-in Absentee Ballot notice is properly updated to include all candidates.

#### **IV. ORDER OF OFFICES FOR GENERAL ELECTION BALLOT**

##### **A. Order of Offices**

The order of offices for ballots shall be as follows:

- |                                                                       |                                        |
|-----------------------------------------------------------------------|----------------------------------------|
| 1. Governor and Lieutenant Governor                                   | 10. Representative to Congress         |
| 2. Attorney General                                                   | 11. State Senator                      |
| 3. Auditor of State                                                   | 12. State Representative               |
| 4. Secretary of State                                                 | 13. Judge of the Court of Appeals      |
| 5. Treasurer of State                                                 | 14. County Commissioner                |
| 6. Chief Justice of the Supreme Court (Full term commencing 1-1-2023) | 15. County Auditor                     |
| 7. Justice of the Supreme Court (Full term commencing 1-1-2023)       | 16. Member of State Board of Education |
| 8. Justice of the Supreme Court (Full term commencing 1-2-2023)       | 17. Judge of the Court of Common Pleas |
| 9. United States Senator                                              | 18. Judge of County Court              |

##### **B. Blank Spaces for Write-In Votes**

A write-in space must be provided on the ballot for every office for which the CCBOE received a valid declaration of intent to be a write-in candidate.

##### **C. Write-in Candidates for Statewide Office**

The following are valid write-in candidates for statewide office:

###### **Governor and Lieutenant Governor**

- Timothy Grady and Dayna Bickley
- Craig Patton and Collin Cook
- Renea Turner and Adina Pelletier
- Marshall Usher and Shannon Walker

###### **U.S. Senator**

- John Cheng
- Matthew R. Esh
- Stephen Faris
- Shane Hoffman
- LaShondra Tinsley (new)

#### **D. Full or Unexpired Term**

For judicial offices, the designation of “Full Term Commencing,” followed by the appropriate date, must appear on the ballot. If for an unexpired term, the designation “Unexpired Term Ending,” followed by the term ending date of the office, must appear on the ballot. The judicial offices for that court should appear in chronological order by the date the terms commence, followed by unexpired terms in descending order based on the ending date of the term.

For all other offices, the designation of term is necessary only when there is an unexpired term to elect (e.g., if a candidate is running for an unexpired term for prosecutor) and where two or more full terms for the office are to appear on the ballot (e.g., municipal court judge), in which case the offices should appear in chronological order by the date the terms commence.

#### **V. OFFICIAL QUESTIONS AND ISSUES BALLOT**

Candidates are presented on the ballot first, followed by the questions and issues. The exact ballot language that must be used for the two statewide issues on the ballot is included in the certified ballot form accompanying this Directive.

Questions and issues must be grouped together in the following political subdivision order for elections held in 2022:

1. State
2. School and Other Districts
3. County
4. Municipal
5. Township

#### **VI. CANDIDATE WITHDRAWALS**

Pursuant to Ohio law, when a person withdraws their candidacy after the 70<sup>th</sup> day before Election Day, the CCBOE must *not* remove the name of the withdrawn candidate from the ballots. If a candidate withdraws after **August 30, 2022**, the CCBOE must post a notice at each polling place on Election Day and enclose a notice with each absentee ballot stating that votes for the withdrawn candidate will be void and will not be counted.



**DIRECTIVE 2022-44**

September 21, 2022

To: All County Boards of Elections  
Board Members, Directors, and Deputy Directors

Re: Revised Form of Ballot and Statewide Candidates for November 8, 2022 General Election

**SUMMARY**

On September 20, 2022, the Supreme Court of Ohio ordered the Secretary of State to certify Terpsehore P. Maras as an independent candidate for Secretary of State in the November 8, 2022 General Election.<sup>1</sup> As requested by the candidate at the time of the petition filing, the candidate's name will appear on the ballot as Terpsehore Tore Maras.

This Directive provides: (1) a revised certified form of the official ballot to be used in the November 8, 2022 General Election; (2) the names of the candidates who have been certified by the Ohio Secretary of State; (3) the updated list of individuals who have filed a valid declaration of intent to be a write-in candidate for a statewide office; and (4) language for statewide issues to be printed on those ballots.<sup>2</sup> This Directive rescinds and replaces [Directive 2022-43](#).

**INSTRUCTIONS**

Please note that, in lieu of issuing a separate Directive with specific details covering ballot layout, proofing, and quantities, the Secretary of State's Office is issuing only this Directive, which must be used in conjunction with [Chapter 5 of the Election Official Manual](#) when preparing ballots for this election. [Chapter 5 of the Election Official Manual](#) provides specific instructions on the following subjects:

- Ballot format;
- Voter instructions;
- Ballot stubs;
- Candidate ballots (names, restrictions, political party, rotation, etc.);
- Questions and issues ballot;
- Ballot proofs;
- Bid requirements;
- Ballot quantities;
- Logic and accuracy testing; and
- Public test.

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<sup>1</sup> *State ex rel. Maras v. LaRose*, Slip Opinion No. 2022-Ohio-3295 (September 20, 2022).

<sup>2</sup> [R.C. 3505.01](#).

## **I. VERIFYING DISTRICT RELATIONSHIPS**

Before programming any aspect of the central tabulating system for the November 8, 2022 General Election, boards of elections must verify the accuracy of district relationships in the central tabulating system against the county's voter registration system.<sup>3</sup> This is to ensure that each voter receives the correct ballot style (i.e., the correct combination of candidate offices and issues) based upon that voter's residential address.

## **II. OFFICIAL BALLOT FORMS**

The certified ballot form accompanying this Directive is for offices to be elected at the November 8, 2022 General Election. The ballot form contains the correct title for each office as that title should appear on your county's ballot and the order in which offices must appear on the ballot for all voting systems. **The ballot form also contains the name of each statewide candidate exactly as the candidate's name must appear on all ballots for all voting systems.**

The names of all candidates, who have not withdrawn pursuant to [R.C. 3513.30](#) (see Section VI of this Directive), must be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters [3505](#), [3506](#), and [3513](#) and [Chapter 5 of the Election Official Manual](#).

## **III. BALLOT PROOFING AND PRINTING**

Due to the necessary changes to the ballot, each board must carefully review and proof every ballot style to ensure no other changes are inadvertently made, especially in spacing and alignment, when adding a candidate to the ballot. Boards must follow the instructions for proofing the ballot as outlined in [Chapter 5 of the Election Official Manual](#). In addition, each board must ensure that:

- The updated ballot file is provided to the ballot printing vendor for the production of absentee and Election Day ballots and that all such ballot files are reviewed and approved before production;
- Any absentee ballot that is printed and mailed by a vendor is properly proofed and tested according to the instructions in [Chapter 7 of the Election Official Manual](#);
- The sample ballot on the board's website is updated by Friday, September 23, 2022;
- The updated absentee ballots are provided to the Secretary of State's Office using SharePoint;
- The remote ballot marking system is updated to include all eligible candidates; and
- The 46-Day Federal Write-in Absentee Ballot notice is properly updated to include all candidates.

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<sup>3</sup> Boards must proof and verify the accuracy of all districts including, but not limited to, Congressional, Ohio House, and Ohio Senate districts.



## **IV. ORDER OF OFFICES FOR GENERAL ELECTION BALLOT**

### **A. Order of Offices**

The order of offices for ballots shall be as follows:<sup>4</sup>

- Governor and Lieutenant Governor
- Attorney General
- Auditor of State
- Secretary of State
- Treasurer of State
- Chief Justice of the Supreme Court (Full term commencing 1-1-2023)
- Justice of the Supreme Court (Full term commencing 1-1-2023)
- Justice of the Supreme Court (Full term commencing 1-2-2023)
- United States Senator
- Representative to Congress
- State Senator
- State Representative
- Judge of the Court of Appeals
- County Commissioner
- County Auditor
- Member of State Board of Education
- Judge of the Court of Common Pleas
- Judge of County Court

Note that the offices of Chief Justice of the Supreme Court, Justice of the Supreme Court, and Judge of the Court of Appeals appear in a different order than in the past. [Senate Bill 80](#) (134th General Assembly) changed the law so that they appear with other partisan offices, meaning that candidates nominated in the primary election will have a political party designation on the ballot. S.B. 80 did not change the law regarding the offices of judge of municipal court, county court, or court of common pleas.<sup>5</sup>

### **B. Blank Spaces for Write-In Votes**

A write-in space must be provided on the ballot for every office for which the board of elections received a valid declaration of intent to be a write-in candidate.<sup>6</sup>

### **C. Write-In Candidates for Statewide Office**

The following are valid write-in candidates for statewide office:

#### **Governor and Lieutenant Governor**

- Timothy Grady and Dayna Bickley
- Craig Patton and Collin Cook
- Renea Turner and Adina Pelletier
- Marshall Usher and Shannon Walker

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<sup>4</sup> [R.C. 3505.03](#) and [3503.04](#).

<sup>5</sup> [R.C. 3505.03](#). See [Advisory 2021-03](#) for more detail regarding Senate Bill 80 (134th General Assembly).

<sup>6</sup> [R.C. 3513.041](#).



## **U.S. Senator**

- John Cheng
- Matthew R. Esh
- Stephen Faris
- Shane Hoffman
- LaShondra Tinsley

### **D. Full or Unexpired Term**

For judicial offices, the designation of “Full Term Commencing,” followed by the appropriate date, must appear on the ballot. If for an unexpired term, the designation “Unexpired Term Ending,” followed by the term ending date of the office, must appear on the ballot.<sup>7</sup> The judicial offices for that court should appear in chronological order by the date the terms commence, followed by unexpired terms in descending order based on the ending date of the term.

For all other offices, the designation of term is necessary only when there is an unexpired term to elect (e.g., if a candidate is running for an unexpired term for prosecutor) and where two or more full terms for the office are to appear on the ballot (e.g., municipal court judge), in which case the offices should appear in chronological order by the date the terms commence. If there is both full and unexpired term for the same office, place the full term first followed by the unexpired term.

A two-point rule must separate the title of the office from the names of the candidates for that office.<sup>8</sup>

## **V. OFFICIAL QUESTIONS AND ISSUES BALLOT**

Offices for which candidates may be elected are presented on the ballot first, followed by the questions and issues.<sup>9</sup> The Official Questions and Issues Ballot must be used for all voting systems. The ballot form contains the exact ballot language that must be used for the two statewide issues on the ballot.

The ballot form also contains examples of some of the local questions and issues that may appear on the ballot in your county. Not every category or type of question/issue will appear on every ballot in every county, so please apply as much of the form as is appropriate to the ballots in your county. Additional instructions on headings, ballot language, and percentage of votes can be found in [Chapter 5 of the Election Official Manual](#).

Questions and issues must be grouped together in the following political subdivision order for elections held in 2022:

- State
- School and Other Districts
- County
- Municipal
- Township

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<sup>7</sup> [R.C. 3505.03\(D\)](#)

<sup>8</sup> [R.C. 3505.08\(A\)](#).

<sup>9</sup> [R.C. 3505.06](#).

Each board of elections may determine the specific order in which the questions/issues within each group are placed on the ballot in that county, however, a board should adopt a method for doing so (i.e., ordered alphabetically or by date filed, etc.). Absentee ballots must contain identical ordering of issues within groups to regular ballots. Please review the appropriate sections of the Ohio Revised Code, local charter (if applicable), and the [Questions and Issues Handbook](#) for ballot language and formats that are not on the attached Official Questions and Issues Ballot.

## **VI. CANDIDATE WITHDRAWALS**

Pursuant to Ohio law, when a person withdraws their candidacy after the seventieth day before Election Day, a board of elections must not remove the name of the withdrawn candidate from the ballots. If a candidate withdrew after **August 30, 2022**, the board of elections must post a notice at each polling place on Election Day, and enclose a notice with each absentee ballot stating that votes for the withdrawn candidate will be void and will not be counted. If the name is not removed from all ballots before Election Day, the votes for the withdrawn candidate are void and must not be counted.<sup>10</sup>

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose  
Ohio Secretary of State

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<sup>10</sup> [R.C. 3513.30](#).

# OFFICIAL GENERAL ELECTION BALLOT

A	B	C
<div style="border-bottom: 1px solid black; display: inline-block; width: 150px;"></div> <b>County</b>	<b>General Election</b>	<b>November 8, 2022</b>
<b>Instructions to Voter</b> <ul style="list-style-type: none"> <li><b>To vote:</b> completely darken the oval (  ) to the left of your choice.</li> <li>Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.</li> <li>If you mark the ballot for more choices than permitted, that contest or question will not be counted.</li> <li><b>To vote for a write-in candidate:</b> completely darken the oval (  ) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted.</li> <li>Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest.</li> <li><b>Before casting your ballot, if you make a mistake or want to change your vote:</b> return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.</li> </ul>	<b>For Governor and Lieutenant Governor</b> (To vote for Governor and Lieutenant Governor, darken the oval at the left of the joint candidates of your choice)	<b>For Justice of the Supreme Court</b> (Full term commencing 1-1-2023) (Vote for not more than 1)
	<input type="radio"/> <b>Mike DeWine and Jon Husted</b> Republican	<input type="radio"/> <b>Pat Fischer</b> Republican
	<input type="radio"/> <b>Nan Whaley and Cheryl L. Stephens</b> Democratic	<input type="radio"/> <b>Terri Jamison</b> Democratic
	<input type="radio"/> _____ Write-in	<b>For Justice of the Supreme Court</b> (Full term commencing 1-2-2023) (Vote for not more than 1)
	<b>For Attorney General</b> (Vote for not more than 1)	<input type="radio"/> <b>Pat DeWine</b> Republican
	<input type="radio"/> <b>Jeffrey A. Crossman</b> Democratic	<input type="radio"/> <b>Marilyn Zayas</b> Democratic
	<input type="radio"/> <b>Dave Yost</b> Republican	<b>For U.S. Senator</b> (Vote for not more than 1)
	<b>For Auditor of State</b> (Vote for not more than 1)	<input type="radio"/> <b>Tim Ryan</b> Democratic
	<input type="radio"/> <b>Keith Faber</b> Republican	<input type="radio"/> <b>JD Vance</b> Republican
	<input type="radio"/> <b>Taylor Sappington</b> Democratic	<input type="radio"/> _____ Write-in
<b>For Secretary of State</b> (Vote for not more than 1)	<b>For Representative to Congress ( _____ District )</b> (Vote for not more than 1)	
<input type="radio"/> <b>Chelsea Clark</b> Democratic	<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)	
<input type="radio"/> <b>Frank LaRose</b> Republican	<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)	
<input type="radio"/> <b>Terpsehore Tore Maras</b>		
<b>For Treasurer of State</b> (Vote for not more than 1)	<b>For State Senator ( _____ District )</b> (Vote for not more than 1)	
<input type="radio"/> <b>Scott Schertzer</b> Democratic	<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)	
<input type="radio"/> <b>Robert Sprague</b> Republican		
<b>For Chief Justice of the Supreme Court</b>	<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)	

# OFFICIAL GENERAL ELECTION BALLOT

D	_____ County	E	General Election	F	November 8, 2022
<b>For State Representative</b> (_____ District) (Vote for not more than 1)		<b>For Member of State Board of Education</b> (_____ District) (Vote for not more than 1)			
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)		<input type="radio"/> <b>Print Candidate Name</b>			
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)		<input type="radio"/> <b>Print Candidate Name</b>			
<b>For Judge of the Court of Appeals</b> (_____ District) (Full term commencing _____) (Vote for not more than 1)		<b>For Judge of the Court of Common Pleas</b> (_____ Division) (Full term commencing _____) (Vote for not more than 1)			
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)		<input type="radio"/> <b>Print Candidate Name</b>			
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)		<input type="radio"/> <b>Print Candidate Name</b>			
<b>For County Commissioner</b> (Full term commencing 1-1-2023) (Vote for not more than 1)		<b>For Judge of County Court</b> (Full term commencing _____) (Vote for not more than 1)			
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)		<input type="radio"/> <b>Print Candidate Name</b>			
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)		<input type="radio"/> <b>Print Candidate Name</b>			
<b>For County Auditor</b> (Vote for not more than 1)					
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)					
<input type="radio"/> <b>Print Candidate Name</b> (Insert party affiliation or ballot designation, if any)					

# OFFICIAL GENERAL ELECTION BALLOT

G _____ County	H General Election	I November 8, 2022
<p><b>Issue 1</b></p> <p>To require courts to consider factors like public safety when setting the amount of bail</p> <p><b>Proposed Constitutional Amendment</b></p> <p>Proposed by Joint Resolution of the General Assembly</p> <p>To amend Section 9 of Article I of the Constitution of the State of Ohio</p> <p>A majority yes vote is necessary for the amendment to pass.</p>	<p><b>Issue 2</b></p> <p>To prohibit local government from allowing non-electors to vote</p> <p><b>Proposed Constitutional Amendment</b></p> <p>Proposed by Joint Resolution of the General Assembly</p> <p>To amend Section 1 of Article V, Section 3 of Article X, and Section 3 of Article XVIII of the Constitution of the State of Ohio</p> <p>A majority yes vote is necessary for the amendment to pass.</p>	
<p>The proposed amendment would:</p> <ul style="list-style-type: none"><li>Require Ohio courts, when setting the amount of bail, to consider public safety, including the seriousness of the offense, as well as a person's criminal record, the likelihood a person will return to court, and any other factor the Ohio General Assembly may prescribe.</li><li>Remove the requirement that the procedures for establishing the amount and conditions of bail be determined by the Supreme Court of Ohio.</li></ul> <p>If passed, the amendment will be effective immediately.</p> <p><b>SHALL THE AMENDMENT BE APPROVED?</b></p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	<p>The proposed amendment would:</p> <ul style="list-style-type: none"><li>Require that only a citizen of the United States, who is at least 18 years of age and who has been a legal resident and registered voter for at least 30 days, can vote at any state or local election held in this state.</li><li>Prohibit local governments from allowing a person to vote in local elections if they are not legally qualified to vote in state elections.</li></ul> <p>If passed, the amendment will be effective immediately.</p> <p><b>SHALL THE AMENDMENT BE APPROVED?</b></p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	

# OFFICIAL GENERAL ELECTION BALLOT

J <span style="margin-left: 20px;">County</span>	K <span style="margin-left: 20px;">General Election</span>	L <span style="margin-left: 20px;">November 8, 2022</span>
<p><b>Proposed Tax Levy (Additional)</b></p> <p>_____ (name of subdivision, district, college, library or board)</p> <p><b>A majority affirmative vote is necessary for passage.</b></p>	<p><b>Proposed Tax Levy (Additional)</b></p> <p>_____ (name of school district)</p> <p><b>A majority affirmative vote is necessary for passage.</b></p>	<p><b>Proposed Bond Issue</b></p> <p>_____ (name of subdivision, district, college, library or board)</p> <p><b>A majority affirmative vote is necessary for passage.</b></p>
<p>An additional tax for the benefit of</p> <p>_____ (name of subdivision submitting resolution or public library)</p> <p>for the purpose of _____ at a rate not exceeding _____ mills for each one dollar of valuation, which amounts to _____</p> <p>_____ (rate expressed in dollars and cents)</p> <p>for each one hundred dollars of valuation, for _____,</p> <p>_____ (life of indebtedness, number of years levy to run, or a continuing period of time)</p> <p>commencing in _____, first (first year tax to be levied)</p> <p>due in calendar year _____. (first calendar year tax due)</p> <p><input type="radio"/> For the Tax Levy</p> <p><input type="radio"/> Against the Tax Levy</p>	<p>Shall a levy be imposed by the</p> <p>_____ (name of school district)</p> <p>for the purpose of _____ in _____</p> <p>_____ (purpose shall be <b>boldface</b> type of at least twice the size of the type immediately surrounding it)</p> <p>the sum of _____ (annual amount the levy is to produce)</p> <p>and a levy of taxes to be made outside of the ten-mill limitation estimated by the county auditor to average _____ mills for each one dollar of valuation, which amounts to _____</p> <p>_____ (number of mills)</p> <p>_____ (rate expressed in dollars and cents)</p> <p>for each one hundred dollars of valuation, for a period of _____</p> <p>_____ (life of indebtedness or number of years levy is to be imposed)</p> <p>years, commencing in _____, (first year tax to be levied)</p> <p>first due in calendar year _____? (first calendar year tax due)</p> <p><input type="radio"/> FOR THE TAX LEVY</p> <p><input type="radio"/> AGAINST THE TAX LEVY</p>	<p>Shall bonds be issued by the</p> <p>_____ (name of subdivision)</p> <p>for the purpose of _____</p> <p>_____ (purpose of the bond issue shall be printed in <b>boldface</b> type)</p> <p>in the principle amount of _____</p> <p>_____ (principle amount of the bond issue)</p> <p>to be repaid annually over a maximum period of _____</p> <p>_____ (the maximum number of years over which the principle of the bonds may be paid)</p> <p>years, and an annual levy of _____ property taxes be made outside the _____</p> <p>_____ (as applicable, "ten-mill", or "... charter tax")</p> <p>limitation, estimated by the county auditor to average over the repayment period of the bond issue _____ mills</p> <p>_____ (number of mills)</p> <p>for each one dollar of tax valuation, which amounts to _____</p> <p>_____ (rate expressed in dollars and cents)</p> <p>for each one hundred dollars of tax valuation, commencing in _____, first due _____</p> <p>_____ (first year tax to be levied)</p> <p>in calendar year _____, (first calendar year tax due)</p> <p>to pay the annual debt charges on the bonds, and to pay debt charges on any notes in anticipation of those bonds?</p> <p><input type="radio"/> For the bond issue</p> <p><input type="radio"/> Against the bond issue</p>
<p><b>Proposed Tax Levy (Renewal)</b></p> <p>_____ (name of subdivision, district, college, library or board)</p> <p><b>A majority affirmative vote is necessary for passage.</b></p>		
<p>A renewal of a tax for the benefit of</p> <p>_____ (name of subdivision submitting resolution or public library)</p> <p>for the purpose of _____</p> <p>at a rate not exceeding _____ mills for each one dollar of valuation, which amounts to _____</p> <p>_____ (rate expressed in dollars and cents)</p> <p>for each one hundred dollars of valuation, for _____,</p> <p>_____ (life of indebtedness, number of years levy to run, or a continuing period of time)</p>		

# OFFICIAL GENERAL ELECTION BALLOT

<b>M</b>	_____ County	<b>N</b>	General Election	<b>O</b>	November 8, 2022
<p><b>Proposed Municipal Income Tax</b></p> <p>_____</p> <p>(name of subdivision)</p> <p><b>A majority affirmative vote is necessary for passage.</b></p> <p>Shall the Ordinance providing for a _____ percent levy on income for _____</p> <p>(brief description of purpose of the levy)</p> <p>be passed?</p> <p><input type="radio"/> <b>FOR THE INCOME TAX</b></p> <p><input type="radio"/> <b>AGAINST THE INCOME TAX</b></p>		<p><b>Local Liquor Option (By Petition)</b></p> <p><b>A majority affirmative vote is necessary for passage.</b></p> <p>Shall the sale of _____</p> <p>(insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor")</p> <p>be permitted for sale on Sunday by _____</p> <p>[insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location]</p> <p>a(n) _____</p> <p>[insert all that applies: "an applicant for a D-6 liquor permit, holder of a D-6 liquor permit," or "liquor agency store," "an applicant for or holder of an A-1-A, A-2, A-2f, A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o or D-7 liquor permit," (if only the approval of beer sales is sought), or "liquor agency store"]</p> <p>who is engaged in the business of _____</p> <p>(insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at the particular location)</p> <p>at _____</p> <p>(insert address of the particular location within the precinct)</p> <p>in this precinct?</p> <p><input type="radio"/> <b>YES</b></p> <p><input type="radio"/> <b>NO</b></p>			
<p><b>Local Liquor Option (By Petition)</b></p> <p><b>A majority affirmative vote is necessary for passage.</b></p> <p>Shall the sale of _____</p> <p>(insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor")</p> <p>be permitted by _____</p> <p>[insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location]</p> <p>a(n) _____</p> <p>(insert "an applicant for" or "a holder of" or "an operator of")</p> <p>a _____</p> <p>(insert name of the type of liquor permit or permits or, if appropriate, "liquor agency store for the State of Ohio")</p> <p>who is engaged in the business of _____</p> <p>(insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at the particular location)</p> <p>at _____</p> <p>(insert address of the particular location within the precinct)</p> <p>in this precinct?</p> <p><input type="radio"/> <b>YES</b></p> <p><input type="radio"/> <b>NO</b></p>		<p><b>Insert board member signatures</b></p>			



b)

# DIRECTIVE 2022-45 – Secure Absentee Ballot Receptacles, Bipartisan Collection of Absentee Ballots, Election Security, and Observers

RELEASED: September 22, 2022

## SUMMARY

- *Directive 2022-45* sets forth requirements and recommendations for the following during the November 8, 2022 General Election:
  - The use of a secure absentee ballot receptacle (drop box) outside of the CCBOE;
  - The collection of returned absentee ballots outside of the CCBOE by bipartisan elections officials;
  - The legal role and responsibility of observers at a polling or early voting location;
  - The training of poll workers on how to address voter questions or concerns on election security; and
  - The reporting of security incidents.
- The CCBOE must post a notice at its drop box specifying security protocols (ballots collected by a bipartisan team, etc.), and ORC citations for returning absentee ballots (who may return a voted ballot, no ballot harvesting, etc.). A template notice was provided with the *Directive*.
- The CCBOE must set a schedule of days and hours during which bipartisan teams of board employees will be stationed outside collecting absentee ballots and publicize this schedule on its website and social media.
- The CCBOE must print and distribute to each polling location a document provided with this *Directive* titled “Ohio Elections are Secure.” The CCBOE must print this document and provide no less than 20 copies to each polling location.
- Detailed information about observers, including the types of observers permitted by law, who may appoint an observer, and permissible and prohibited activity is outlined in detail in Section IV of this *Directive*.

## INSTRUCTIONS

### **I. VERIFYING REQUIREMENTS FOR USING A SECURE ABSENTEE BALLOT RECEPTACLE (OR “DROP BOX”)**

The CCBOE must create and post a weather resistant notice at its drop box specifying the security protocols for its use and the appropriate ORC citations for returning an absentee ballot, including clear instructions on who is eligible to return such a ballot and the possible penalties for a violation. **The notice must be in place no later than the beginning of Early In-Person Voting.**

### **II. EMPLOYING BIPARTISAN ELECTION OFFICIALS TO RECEIVE ABSENTEE BALLOTS OUTSIDE OF THE BOARDS OF ELECTIONS**

The CCBOE is encouraged to have stationed trained, bipartisan teams of elections officials outside of the office of the CCBOE to receive absentee ballots from voters in a drive-through format. The CCBOE may implement, by a majority vote, this traffic mitigation plan using permanent or temporary board employees who have undergone a criminal background check and received appropriate training.

Key points from *Directive 2022-45* include:

- The CCBOE must set a schedule of days and hours during which bipartisan teams of board employees will be stationed outside to receive absentee ballots and publicize that schedule on the board's website and social media.
- The CCBOE must require the bipartisan team of board employees to remind any elector returning more than one ballot that only the elector or a "family member" of the elector may personally deliver an absentee ballot to the CCBOE.
- If there is a line, the CCBOE must mark or personally monitor the last voter in line at 7:30 p.m. on Election Day to allow those who are in line at 7:30 p.m. to drop off their ballot.

### **III. ELECTION INTEGRITY INFORMATION AT POLLING LOCATIONS, PEO TRAINING, AND REPORTING SECURITY EVENTS**

Given the heightened public interest in the security and integrity of our elections, voters might naturally ask questions about those issues during the voting process. Poll workers should be trained and prepared to respond to a voter with helpful information.

To assist in managing these circumstances, the CCBOE must print and distribute to each polling location a document provided with this *Directive* titled "Ohio Elections are Secure." The CCBOE must print this document and provide no less than 20 copies to each polling location.

The CCBOE should also consider the inclusion of de-escalation training for PEOs. It should consider training techniques such as role-playing to prepare poll workers for dealing with voters in a helpful, professional, and effective way that de-escalates potentially tense situations. The SOS provides videos, lesson plans, and other materials to help boards deliver this training effectively. [\(The CCBOE has taken advantage of SOS material for its poll worker training\).](#)

The CCBOE must immediately report security incidents, sometimes referred to as security events, to the SOS. If a poll worker feels an act of violence is imminent, call 9-1-1 immediately.

### **IV. OBSERVERS**

#### **A. GENERALLY**

State law permits certain individuals to be observers during the election process. All observers (except recount observers) must be qualified electors in the State of Ohio but do not have to be registered in a particular county.

#### **B. TYPES OF OBSERVERS**

Ohio law allows six types of recognized observers:

1. Observers at an Early In-Person Absentee Voting Location;
2. Observers at Precincts on Election Day;
3. Observers at a Board of Elections Office prior to the Official Canvass;
4. Official Canvass Observers;
5. Recount Observers; and

## 6. Post-Election Audit Observers.

### C. APPOINTING OBSERVERS

Election observers may be appointed by any county or state political party supporting a candidate at that election or by any group of five or more candidates. Additionally, a ballot issue committee that in good faith advocates for or opposes a ballot question or issue may file a petition with the CCBOE asking to be recognized as a committee entitled to appoint observers for the election.

The CCBOE then issues a certificate of appointment to the observer, who will present that certificate to the appropriate election official at the time that the observer arrives at the location where they will observe. Each observer must take an oath.

### D. PERMISSIBLE AND PROHIBITED ACTIVITY

Observers are authorized to observe the election proceedings and may move freely about the polling location or any area where ballots are being cast, processed, counted, or recounted if they do not engage in any prohibited activity. They may engage election officials in casual conversation during less busy times and gather information about the process. Observers can collect or transmit information from the registration lists posted throughout the day in each precinct, provided they are not engaging in harassment.

Observers may send and receive text messages, email communications, instant messages, and similar other non-verbal, electronic communications using a communications device or audio/video device, but the device must be on silent mode (although low volume vibration settings are permitted).

Observers are **prohibited** from using a mobile telephone, two-way radio, or any other wired, wireless, or satellite communication device to discuss the election or a perceived problem with the administration of the election inside a polling location. They may **not** use their devices, including but not limited to cell phone cameras, to take photographs or videos, or to record or transcribe any conversations inside the polling location.

Observers are **prohibited** from interfering with election officials administering the election and are never permitted to handle any election materials. They are not authorized to enforce the law or advocate on behalf of voters.



**DIRECTIVE 2022-45**

September 22, 2022

To: All County Boards of Elections  
Board Members, Directors, and Deputy Directors

Re: Requirements for the Use of Secure Absentee Ballot Receptacles, the Use of Bipartisan Teams to Receive Absentee Ballots at a Board of Elections, the Sharing of Election Integrity Information at Polling Locations, the Reporting of Security Events, and the Use of Election Observers

**SUMMARY**

This Directive sets forth requirements and recommendations for:

- The use of a secure absentee ballot receptacle,<sup>1</sup> commonly known as a “drop box,” outside of a board of elections;
- The collection of returned absentee ballots outside of a board of elections by bipartisan elections officials;
- The legal role and responsibility of observers at a polling location or early voting location;
- The training of Precinct Election Officials (“PEOs”) on how to address voter questions or concerns on election security at a polling location; and
- The reporting of security incidents, otherwise known as security events.

**INSTRUCTIONS**

**I. REQUIREMENTS FOR USING A SECURE ABSENTEE BALLOT RECEPTACLE (OR “DROP BOX”)**

Recognizing that, for many years, some county boards of elections have stationed a secure absentee ballot drop box outside of the board of elections office, boards must inform voters of the appropriate requirements for the use of such a drop box.

Each board of elections must create and post a weather resistant notice at or on a drop box specifying the security protocols for its use and the appropriate Ohio Revised Code citations for returning an absentee ballot, including clear instructions on who is eligible to return such a ballot and the possible penalties for a violation.<sup>2</sup> The notice must be in place no later than the beginning of early, in-person voting.

<sup>1</sup> See generally Directives [2020-22](#) and [2021-10](#).

<sup>2</sup> [R.C. 3509.05\(A\)](#); [R.C. 3599.21](#).

To accommodate the differences in type and location of absentee ballot drop boxes, boards may use discretion in complying with this requirement. For example, the attached template notice can be used by the board to create a professionally produced waterproof sign. As an alternative, the board could print and laminate the attached template or even place it in a clear document protector with a strip of clear tape along the open edge to make it waterproof. If a board has questions about how to comply with this requirement or needs assistance, please contact our office. **Note:** A board of elections that already posts a substantially similar notice is not required to post a new sign based on the attached template.

## **II. EMPLOYING BIPARTISAN ELECTION OFFICIALS TO RECEIVE ABSENTEE BALLOTS OUTSIDE OF THE BOARDS OF ELECTIONS**

Even though voter engagement and turnout can vary during the early voting period, boards should plan to accommodate high turnout circumstances that can result in traffic congestion and delays. This is especially problematic when voters must park and leave their vehicle to use a permanently installed absentee ballot drop box.

Boards are encouraged to consider, as a best practice, developing a streamlined, convenient ballot drop-off system during periods of high-volume turnout. For example, some boards have stationed trained, bipartisan teams of elections officials *outside of the office of the board of elections* to receive absentee ballots from voters in a drive-through format.<sup>3</sup> Boards of elections may consider, by a majority vote, implementing this traffic mitigation plan using permanent or temporary board employees who have undergone a criminal background check (hereinafter, “board employees”) and received appropriate training. If the board members vote to utilize such a plan, the board must also determine and document how the following requirements will be met:

- (1) At least one Republican and one Democrat board employee must be paired together and trained to receive absentee ballots outside the board of elections;
- (2) The board must have enough additional staff at the board office to continue the successful operation of all other duties at the board of elections;
- (3) The board must provide the bipartisan team with an appropriate container into which the delivered absentee ballots will be received and maintain the secure and bipartisan chain of custody of the ballots until they are deposited and stored under dual lock with other voted ballots inside the board of elections;
- (4) The board must engage its law enforcement point of contact to develop a plan for appropriate traffic control while the drive-through system is being utilized;
- (5) The board must post appropriate signage outside the board of elections instructing voters on where to park or drive up to return absentee ballots;
- (6) The board must set a schedule of days and hours during which bipartisan teams of board employees will be stationed outside the office of a board of elections to receive absentee ballots and publicize that schedule on the board’s website

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<sup>3</sup> To be clear, “outside the office of the board of elections” means *immediately* outside the office of the board of elections, not remote locations miles from the office of the board. So, boards may station bipartisan teams of employees directly in front of the office of the board, behind the office of the board, right around the corner from the office of the board, or across the street from the office of the board, whichever of these options works best considering the vehicular traffic flow around the office of the board.



and social media. The staffed collection schedule may begin when early, in-person voting begins but must conclude at 7:30 p.m. on Election Day;<sup>4</sup>

- (7) The board must require the bipartisan team of board employees to remind any elector returning more than one ballot that only the elector or a “family member” of the elector may personally deliver an absentee ballot to the board of elections. “Family member” only includes a father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece;<sup>5</sup> and
- (8) If there is a line, boards must mark or personally monitor<sup>6</sup> the last voter in line at 7:30 p.m. on Election Day to allow those who are in line at 7:30 p.m. to drop off their ballot.

Additionally, boards should consider the following best practices when implementing a streamlined, bipartisan ballot drop-off plan:

- Use of directional signage and traffic cones for traffic management. Board may coordinate with their county engineer or local road department to borrow such assets;
- Providing board staff with inexpensive reflective vests for their safety and to designate them as official board staff;
- Providing a quantity of “I voted” stickers, poll worker recruiting fliers, and the attached election security sheet to provide to voters who utilize the drive-through ballot drop off; and
- Coordinating with local media to publicize designated dates and times for drive-through ballot drop off.

### **III. ELECTION INTEGRITY INFORMATION AT POLLING LOCATIONS, PEO TRAINING, AND REPORTING SECURITY EVENTS**

Given the heightened public interest in the security and integrity of our elections, voters might naturally ask questions about those issues during the voting process. While extended conversations between PEOs and voters should be avoided so as not to delay the voting process, PEOs should be trained and prepared to respond to a voter with helpful information.

To assist in managing these circumstances, boards must print and distribute to each polling location the attached document titled “Ohio Elections are Secure.” This document can be produced in sufficient quantity, depending on anticipated demand, for PEOs to offer a voter who raises concerns. Boards may also consider providing the PEO recruitment flyer to a voter, inviting them to learn more about how the boards keep elections secure through poll worker recruitment and

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<sup>4</sup> If a court order is issued, extending voting hours on election day, the Secretary of State’s Office will provide additional guidance.

<sup>5</sup> [R.C. 3509.05\(A\)](#).

<sup>6</sup> The bipartisan team must mark or personally monitor the last voter in line at 7:30 p.m. on Election Day in a similar manner to how precinct election officials mark or personally monitor lines at a polling location.



training. Each board of elections must print the document attached to this Directive and provide no less than 20 copies to each polling location (or more, as needed). Boards also must instruct PEOs to provide the document to any voter with questions about election security and integrity in Ohio.

Additionally, boards should consider the inclusion of de-escalation training for PEOs. Voters are often passionate about the electoral process. It is not uncommon for voters to have strong opinions about their preferred candidates, and sometimes these emotions manifest themselves in a way that causes a voter to react emotionally or inappropriately at a polling location. For example, PEOs are required to notify voters of the prohibition against wearing certain campaign attire inside a polling location. This can elicit an emotional reaction from a voter. Approaching such interactions in a friendly and informative way can calm the situation instead of escalating it. Boards should consider training techniques such as role-playing to prepare PEOs for dealing with voters in a helpful, professional, and effective way that de-escalates potentially tense situations. Our office provides videos, lesson plans, and other materials to help boards deliver this training effectively.

As in the past, boards must immediately report security incidents, sometimes referred to as security events, to the Secretary of State's Office.<sup>7</sup> Security events include, but are not limited to those examples in the Election Official Manual [Chapter 3](#), pages 70-71. Other types of security events include misinformation, disinformation, and mal-information; direct, indirect, or perceived threats of violence; harassment or intimidation of election officials, staff, precinct election officials, or voters; and threats to property utilized by the board of elections. If an election official feels an act of violence is imminent, call 9-1-1 immediately.

#### **IV. OBSERVERS**

##### **A. GENERALLY**

Transparency is an essential part of ensuring confidence in our electoral process and its outcomes. Candidates, campaigns, political parties, and individual electors have recently asked new questions about the role of observers at polling locations. This section is intended to provide a brief overview of Ohio election law on that topic.<sup>8</sup>

Generally, state law permits certain individuals to be observers during the election process.<sup>9</sup> Only certain appointing authorities can appoint observers. All observers (except recount observers) must be qualified electors in the State of Ohio but do not have to be registered in a particular county.

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<sup>7</sup> See Directive 2019-07 (unredacted).

<sup>8</sup> Potential observers may also review "[Being an Observer: Things to Know](#)" on the Secretary of State's website.

<sup>9</sup> [R.C. 3505.21\(C\)](#).

## **B. TYPES OF OBSERVERS**

Ohio law allows six types of recognized observers:<sup>10</sup>

- (1) Observers at an Early In-Person Absentee Voting Location;
- (2) Observers at Precincts on Election Day;
- (3) Observers at a Board of Elections Office prior to the Official Canvass;
- (4) Official Canvass Observers;
- (5) Recount Observers; and
- (6) Post-Election Audit Observers.

The following are prohibited from serving as observers: candidates, uniformed peace officers, uniformed state highway patrol troopers, uniformed members of a fire department, uniformed members of the armed services, uniformed members of the organized militia, any person wearing any other uniform, and any person carrying a firearm or other deadly weapon.<sup>11</sup>

## **C. APPOINTING OBSERVERS**

Election observers may be appointed by any county or state political party supporting a candidate at that election or by any group of five or more candidates. Additionally, a ballot issue committee that in good faith advocates for or opposes a ballot question or issue may file a petition with the county board of elections asking to be recognized as a committee entitled to appoint observers for the election.<sup>12</sup>

The authority appointing observers must first notify the board of elections in writing of the names and addresses of its observer appointees and the location(s) at which they will observe. Written amendments for a notification of appointment may be filed with the board of elections prior to 4:00 p.m. the day before the observer is appointed to observe. An amendment may substitute one observer for another at the location identified in the original filing but cannot add a location that was not identified in the original filing. An amendment also cannot add observers at a location or expand the number of observers at a location beyond what is permitted by law.

The authority appointing observers then issues a certificate of appointment to the observer, who will present that certificate to the appropriate election official at the time that the observer arrives at the location where they will observe. Each observer must take the following oath:<sup>13</sup>

*You do solemnly swear that you will faithfully and impartially discharge the duties as an official observer, assigned by law; that you will not cause any delay to persons offering to vote; and/or that you will not disclose or communicate to any person how any elector has voted at such election.*

A precinct election official administers this oath for observers who observe on Election Day, while an election official, director, or deputy director may administer the oath for other types of observers. If observers are observing over multiple days, they do not need to take this oath

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<sup>10</sup> See [Chapter 9](#) of the Election Official Manual for details regarding each type of observers and Forms 214 through 219 for petition forms, notices of appointments, certificates of appointments for each type.

<sup>11</sup> [R.C. 3505.21\(B\)](#).

<sup>12</sup> See Form 220, Petition to be Recognized as Committee to Appoint Observers to a Ballot Question or Issue.

<sup>13</sup> [R.C. 3505.21\(F\)](#).

multiple times but must affirm to an election official each day that they understand that they are still under oath.

#### **D. PERMISSIBLE AND PROHIBITED ACTIVITY**

Observers are authorized to observe the election proceeding, and as such, may move freely about the polling location or any area where ballots are being cast,<sup>14</sup> processed, counted, or recounted at a board of elections office, if they do not engage in any prohibited activity. Depending on the type of appointment, an observer may be allowed to observe at multiple locations, as the observer may spend parts of Election Day at several different locations or observe at different locations at different points in the election process. They may engage election officials in casual conversation during less busy times and gather information about the process. Observers can collect or transmit information from the registration lists posted throughout the day in each precinct, provided they are not engaging in harassment as defined in [R.C. 3501.90\(A\)](#).<sup>15</sup>

Observers are prohibited from using a mobile telephone, two-way radio, or any other wired, wireless, or satellite communication device to discuss the election or a perceived problem with the administration of the election inside a polling location. Observers may send and receive text messages, email communications, instant messages, and similar other non-verbal, electronic communications using a communications device or audio/video device, but the device must be on silent mode (although low volume vibration settings are permitted). Observers may not engage in an audible conversation inside the polling location using a communications device or audio/video device and may not otherwise use a communications device within a polling location in any manner that creates a disruption or disturbance, or in any manner that that impedes, interferes with, or disrupts an election, or in any way intimidates a voter, or risks violating the secrecy of the ballot or voter privacy. They may not use their devices, including but not limited to cell phone cameras, to take photographs or videos, or to record or transcribe any conversations inside the polling location.

Observers are prohibited from interfering with election officials administering the election and are never permitted to handle any election materials. They are not authorized to enforce the law or advocate on behalf of voters. Observers may not hinder or delay an elector in reaching or leaving the polling location; may not impede, interfere with, or disrupt the election in some manner; may not engage in any kind of election campaigning; may not intimidate, harass, or attempt to influence voters or precinct election officials; and may not violate a voter's privacy or the secrecy of an individual's ballot.<sup>16</sup>

In certain circumstances, election officials have a responsibility to, and are authorized to, remove observers from their posts. Those circumstances include incidents where the observer's

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<sup>14</sup> A board may deny an observer access to other parts of its office.

<sup>15</sup> Harassment in violation of the election law includes conduct in or about a polling place or a place of registration or election where one obstructs access of an elector to a polling place; where one engages in an improper practice or attempt that would tend to obstruct, intimidate, or interfere with an elector in registering or voting at a place of registration or election; where one molests or otherwise engages in violence against observers in the performance of their duties at a place of registration or election; or where one participates in a riot, violence, tumult, or disorder in and about a place of registration or election. It also includes behavior that violates divisions (A)(1), (A)(2), (A)(3), (A)(5), or (B) of [R.C. 3501.35](#), "Loitering or Congregating Near Polling Places."

<sup>16</sup> Unless specifically exempted by law, all observers are subject to the statutory prohibitions in Title 35 of the Revised Code.

behavior is inconsistent with Ohio law or with a Secretary of State Directive, or that interferes with, impedes, or disrupts an election. Only the voting location managers, directors, deputy directors, and appointing authorities have the authority to administratively remove observers from their posts, and law enforcement officials have the statutory duty to remove observers at the order of one of the above-listed election officials. If an observer is removed, the person removing the observer may request their certificate of appointment and return it to the board office with a notation that the observer was removed from the polling location.<sup>17</sup>

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

  
Frank LaRose  
Ohio Secretary of State

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<sup>17</sup> [R.C. 3501.33](#) and [3505.21](#).





# ATTENTION VOTERS KNOW THE LAW



A registered voter may use this secure receptacle to deposit their absentee ballot or that of a close family member<sup>1</sup>.

<sup>1</sup>R.C. 3509.05



Ohio law prohibits ballot harvesting. Anyone who possesses or delivers the absentee ballot of another person (unless a close family member), may be guilty of a Felony of the Fourth Degree, subject to a prison term of up to 18 months and/or a fine of up to \$5,000<sup>2</sup>.

<sup>2</sup>R.C. 3599.21(A)(9)



This receptacle is kept under 24/7 video surveillance.



Ballots are retrieved at least daily by a team of trained, bipartisan election officials.



Once retrieved, ballots are securely stored in a dual-locked area that is under video surveillance and remain there until they are processed by a bipartisan team and counted on election night.

**Learn more at [VoteOhio.gov/Secure](https://VoteOhio.gov/Secure).**





# OHIO'S ELECTIONS ARE SECURE

## VOTING EQUIPMENT IS CERTIFIED

Federal & bipartisan state experts test, examine, and certify all voting equipment as secure.



The U.S. Election Assistance Commission



Ohio Board of Voting Machine Examiners

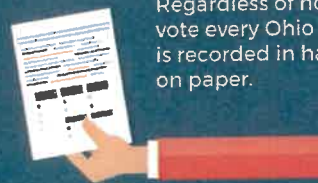
## SAFELY STORING VOTING EQUIPMENT

Ballots and machines are all locked with tamper proof seals and stored behind double locked doors that may only be accessed when unlocked together by Republican and Democratic election officials.

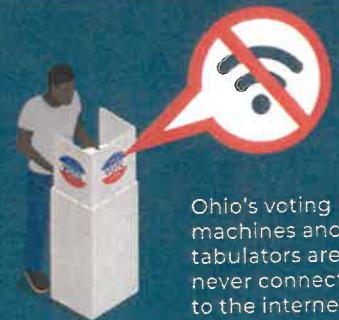


## TESTING

Before voting begins, voting machines and tabulators go through a full battery of logic and accuracy testing by a bipartisan team to ensure they work properly and have not been manipulated.



Regardless of how you vote every Ohio ballot is recorded in hard-copy on paper.



Ohio's voting machines and tabulators are never connected to the internet.

## BALLOTS STAY SECURE



Each of Ohio's 88 county boards of elections has **TWO REPUBLICAN** members and **TWO DEMOCRATIC** members. Any handling of ballots or voting equipment must take place by bipartisan team of election officials.

All precincts are staffed by a bipartisan group of poll workers and open to the media and poll observers.



[VoteOhio.gov](https://VoteOhio.gov)

Absentee voters can track the status of their ballot just like a package at [VoteOhio.gov](https://VoteOhio.gov).

Absentee voters must then complete and sign the identification envelope.



To vote absentee, a ballot **MUST** be requested by a voter. Ohio does not send absentee ballots to every registered voter.

## VOTER LIST MAINTENANCE



As required by federal and state law, Ohio has a robust voter registration list that goes through a regular maintenance process to ensure out-of-date and abandoned registrations are removed from the voter rolls.

## AUDITS ENSURE ACCURACY



Throughout the election, boards reconcile voter lists and ensure no votes were counted twice. Any attempts to do so are referred for prosecution.

After an election, every county conducts a post-election audit. All audits are open to the public.



STATEWIDE RESULTS SHOW A  
**99.98% ACCURACY RATE**  
IN THE 2020 PRESIDENTIAL ELECTION

c)



RELEASED: September 12, 2022

## **SUMMARY**

- *Advisory 2022-04* alerts the Cuyahoga County Board of Elections (CCBOE) to changes resulting from the passage of House Bill (H.B. 140).
- Specifically, H.B. 140 changes the required language to describe levy rate information in election notices and ballot language for property tax questions.
- H.B. 140 also restricts the use of boldface or differing font sizes in the text of ballot questions.
- H.B. 140 takes effect September 13, 2022 but does not apply to elections held before December 22, 2022.

## **SUMMARY**

### **I. CHANGES TO PROPERTY TAX NOTICES AND BALLOT LANGUAGE**

#### **A. REQUIRED LANGUAGE FOR RATE INFORMATION**

Prior law required election notices and ballot language for property tax questions to display the rate of tax being levied, renewed, or replaced in both mills (0.1¢) for each \$1 of taxable value and dollars for each \$100 or \$1000 of taxable value. H.B. 140 requires dollar amounts to be displayed numerically (i.e., "\$1" instead of "one dollar") in notices and ballot language. However, H.B. 140 does not change how the millage rate is displayed. Millage rate is still identified in whole numbers (i.e., "5 mills") rather than a fraction of a dollar (i.e., "\$0.005").

Prior law based the millage rate using terms such as "valuation" or "tax valuation" or did not specify what the millage rate was based on. H.B. 140 standardizes this terminology by replacing the previously used terms with "taxable value."

#### **B. TYPEFACE MODIFICATIONS**

H.B. 140 prohibits any portion of a ballot question proposing to levy a property tax, including the renewal or replacement of such a levy, from being printed in boldface type or in a font size that is different from the font size of other text in the ballot question. However, text next to the boxes in which the voter casts their vote and brief descriptive titles of the question or issues are excluded from the new restriction.

### **II. APPLICATION OF TAX REDUCTION FACTOR TO THE LEVY RATE**

For proposed levies that renew, decrease, increase, or expand an existing levy, H.B. 140 requires the displayed rate of the existing tax to take into account the effect on the tax's collections by a tax reduction factor's application against residential/agricultural property. For new and existing levies not subject to the tax reduction factor, such as fixed-sum levies, H.B. 140 requires the voted rate to be displayed.

### **III. ADDITIONAL RESPONSIBILITIES OF COUNTY AUDITOR**

When a political subdivision intends to submit a property tax question to voters, the subdivision asks the county auditor for either (1) an estimate of the revenue the tax would generate or (2) the millage rate necessary to generate a specified amount of revenue. When a request for an estimated rate is made, H.B. 140 requires the county auditor to certify the levy's rate for each \$100,000 of the auditor's appraised value so that boards of elections can provide that information on the ballot.

### **IV. EFFECTIVE DATE**

H.B. 140 applies to property tax questions appearing on the ballot in any election on or after December 22, 2022 – 100 days after the act's effective date. Therefore, the changes in H.B. 140 will **not** apply to tax levy issues on the November 8, 2022 General Election.

The Ohio Ballot Questions and Issues Handbook, including the ballot language templates, will be revised to reflect the changes in law described in this Advisory. The revised Handbook will be published after the changes in law take effect.



ADVISORY 2022-04

September 12, 2022

To: All County Boards of Elections  
Board Members, Directors, and Deputy Directors

Re: House Bill 140 and Changes to Tax Levy Law

## **BACKGROUND**

This Advisory is to alert boards of elections to changes in the administration of elections resulting from the passage of [House Bill 140](#) ("H.B. 140"). More specifically, H.B. 140 changes the required language to describe levy rate information in election notices and ballot language for property tax questions. Additionally, H.B. 140 restricts the use of boldface or differing font sizes in the text of ballot questions. This bill takes effect September 13, 2022 but does not apply to elections held before December 22, 2022.

## **SUMMARY**

### **I. CHANGES TO PROPERTY TAX NOTICES AND BALLOT LANGUAGE**

#### **A. REQUIRED LANGUAGE FOR RATE INFORMATION**

Prior law required election notices and ballot language for property tax questions to display the rate of tax being levied, renewed, or replaced in both mills (0.1¢) for each \$1 of taxable value and dollars for each \$100 or \$1000 of taxable value. H.B. 140 requires dollar amounts to be displayed numerically (*i.e.*, "\$1" instead of "one dollar") in notices and ballot language. However, H.B. 140 does not change how the millage rate is displayed. Millage rate is still identified in whole numbers (*i.e.*, "5 mills") rather than a fraction of a dollar (*i.e.*, "\$0.005").

Prior law based the millage rate using terms such as "valuation" or "tax valuation" or did not specify what the millage rate was based on. H.B. 140 standardizes this terminology by replacing the previously used terms with "taxable value."<sup>1</sup>

H.B. 140 mandates that property tax election notices and ballot questions, except those for bond levies, display the estimated amount of revenue the tax would generate if approved, rounded to the nearest \$1,000.<sup>2</sup> It is the county auditor's responsibility to calculate the estimate by multiplying the levy's rate by the taxing district's total taxable value in the year it is proposed.<sup>3</sup>

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<sup>1</sup> [R.C. 133.18](#), [306.32](#), [306.322](#), [345.01](#), [345.03](#), [345.04](#), [505.48](#), [505.481](#), [511.27](#), [511.28](#), [511.34](#), [1545.041](#), [1545.21](#), [3311.50](#), [3318.01](#), [3318.06](#), [3318.061](#), [3318.062](#), [3318.063](#), [3318.361](#), [3318.45](#), [3381.03](#), [4582.024](#), [4582.26](#), [5705.01](#), [5705.192](#), [5705.195](#), [5705.196](#), [5705.197](#), [5705.199](#), [5705.21](#), [5705.213](#), [5705.215](#), [5705.218](#), [5705.219](#), [5705.233](#), [5705.25](#), [5705.251](#), [5705.55](#), [5748.01](#), [5748.02](#), [5748.03](#), [5748.08](#), and [5748.09](#) (versions effective after September 12, 2022).

<sup>2</sup> [R.C. 306.32](#), [306.322](#), [345.03](#), [345.04](#), [505.37](#), [505.48](#), [505.481](#), [511.28](#), [511.34](#), [513.18](#), [755.181](#), [1545.041](#), [1545.21](#), [3311.50](#), [3318.06](#), [3318.061](#), [3318.062](#), [3318.063](#), [3318.361](#), [3318.45](#), [3381.03](#), [4582.024](#), [4582.26](#), [5705.192](#), [5705.21](#), [5705.212](#), [5705.215](#), [5705.218](#), [5705.233](#), [5705.25](#), [5705.251](#), [5705.261](#), [5705.55](#), and [5748.03](#) (versions effective after September 12, 2022).

<sup>3</sup> [R.C. 5705.03\(B\)\(1\)\(e\)](#) (version effective after September 12, 2022).

## B. EXAMPLE OF PRIOR LAW AND H.B. 140 BALLOT LANGUAGE

In its [Final Analysis](#) of H.B. 140, the Legislative Service Commission provides the following example of how ballot language would compare for a fixed-rate levy under prior law and H.B. 140.

Prior law ballot language	H.B. 140 ballot language
"An additional tax for the benefit of . . . (subdivision) for the purpose . . . (purpose) at a rate not exceeding . . . mills for each one dollar of valuation, which amounts to . . . for each one hundred dollars of valuation, for . . . (term)."	"An additional tax for the benefit of . . . (subdivision) for the purpose of . . . (purpose), <u>that the county auditor estimates will collect \$ . . . annually, at a rate not exceeding . . . mills for each one-dollar-\$1 of valuation-taxable value, which amounts to \$ . . . for each one hundred dollars \$100,000 of valuation the county auditor's appraised value, for . . . (term).</u> "

## C. TYPEFACE MODIFICATIONS

H.B. 140 prohibits any portion of a ballot question proposing to levy a property tax, including the renewal or replacement of such a levy, from being printed in boldface type or in a font size that is different from the font size of other text in the ballot question. However, text next to the boxes in which the voter casts their vote and brief descriptive titles of the question or issues are excluded from the new restriction.<sup>4</sup>

Under previous law, ballot questions were required to display the levy's purpose clause in boldface type for bond and school district emergency levies. Additionally, purpose clauses were required to be twice the size of other ballot text for an emergency levy.<sup>5</sup>

## II. APPLICATION OF TAX REDUCTION FACTOR TO THE LEVY RATE

For proposed levies that renew, decrease, increase, or expand an existing levy, H.B. 140 requires the displayed rate of the existing tax to take into account the effect on the tax's collections by a tax reduction factor's application against residential/agricultural property. For new and existing levies not subject to the tax reduction factor, such as fixed-sum levies, H.B. 140 requires the voted rate to be displayed.<sup>6</sup>

A fixed-sum levy collects a particular sum of money each year. A fixed-rate levy is imposed at a set voted rate and is not required to generate a particular sum of money.

The General Assembly passed tax legislation in 1976 that included a tax credit now known as the H.B. 920 tax reduction factor. The H.B. 920 tax reduction factor is applicable to most fixed-rate levies. It is a tax credit that generally prevents increases in tax collections due to appreciation in property values, except appreciation resulting from new construction. There are two classes – residential/agricultural and commercial/industrial – and there is a separate reduction factor for each class.

<sup>4</sup> [R.C. 3505.06\(D\)](#).

<sup>5</sup> See [R.C. 5705.197](#) (version effective prior to September 13, 2022, showing example of previously required typeface).

<sup>6</sup> R.C. [133.18](#), [306.32](#), [306.322](#), [345.01](#), [345.03](#), [345.04](#), [505.48](#), [505.481](#), [511.27](#), [511.28](#), [511.34](#), [1545.041](#), [1545.21](#), [3311.50](#), [3318.01](#), [3318.06](#), [3318.061](#), [3318.062](#), [3318.063](#), [3318.361](#), [3318.45](#), [3381.03](#), [4582.024](#), [4582.26](#), [5705.01](#), [5705.192](#), [5705.195](#), [5705.196](#), [5705.197](#), [5705.199](#), [5705.21](#), [5705.213](#), [5705.215](#), [5705.218](#), [5705.219](#), [5705.233](#), [5705.25](#), [5705.251](#), [5705.55](#), [5748.01](#), [5748.02](#), [5748.03](#), [5748.08](#), and [5748.09](#) (versions effective after September 12, 2022).

The H.B. 920 tax reduction factor is a property tax credit that does not affect the voted rate of a levy, but it does impact the collections that may otherwise be generated by a particular levy. These reduced collections may be converted into an “effective” property tax rate by dividing them by the total taxable value in the applicable class of property. The county auditor is responsible for calculating this effective property tax rate when a subdivision submits a property tax question to voters.

### **III. ADDITIONAL RESPONSIBILITIES OF COUNTY AUDITOR**

When a political subdivision intends to submit a property tax question to voters, the subdivision asks the county auditor for either (1) an estimate of the revenue the tax would generate or (2) the millage rate necessary to generate a specified amount of revenue. Upon receiving that information, the subdivision may submit the levy to voters by certifying a resolution to the appropriate county board of elections. When a request for an estimated rate is made, H.B. 140 requires the county auditor to certify the levy’s rate for each \$100,000 of the auditor’s appraised value so that boards of elections can provide that information on the ballot.<sup>7</sup>

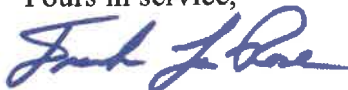
When the county auditor certifies the rate as described above, the auditor must also estimate the amount of revenue the tax would generate, rounded to the nearest \$1,000, if the levy is approved. The county auditor calculates this by multiplying the levy’s rate by the taxing district’s total taxable value in the year it is proposed.<sup>8</sup>

### **IV. EFFECTIVE DATE**

H.B. 140 applies to property tax questions appearing on the ballot in any election on or after December 22, 2022 – 100 days after the act’s effective date.<sup>9</sup> Therefore, the changes in H.B. 140 will not apply to tax levy issues on the November 8, 2022 General Election. For elections held in 2023 and thereafter, the changes in H.B. 140 apply to levies submitted by subdivisions and voter-initiated petitions to reduce certain levies.<sup>10</sup>

The Ohio Ballot Questions and Issues Handbook, including the ballot language templates, will be revised to reflect the changes in law described in this Advisory. The revised Handbook will be published after the changes in law take effect. Please share this Advisory with your legal counsel, the county prosecuting attorney, and the county auditor. If the board of elections’ website includes general information regarding tax levies, the board may include a link to this Advisory. If you have any questions regarding this Advisory, please contact the Secretary of State’s elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose  
Ohio Secretary of State

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<sup>7</sup> [R.C. 5705.03\(B\)\(1\)](#) (Version effective after September 12, 2022)

<sup>8</sup> [R.C. 5705.03\(B\)\(1\)](#) (Version effective after September 12, 2022)

<sup>9</sup> Section 3 of H.B. 140.

<sup>10</sup> [R.C. 5705.261](#) and [5748.04](#)



# Agenda Item #3

## SEPTEMBER 13, 2022 BEREA WARD 01 RECALL ELECTION

### Provisional Verification Summary

A total of **7** Provisional Ballots were issued during the September 13, 2022 Berea Ward 01 Recall Election, of which **6** were confirmed to be valid provisional ballots, while **1** were rejected for various deficiencies during the verification process (detailed below).

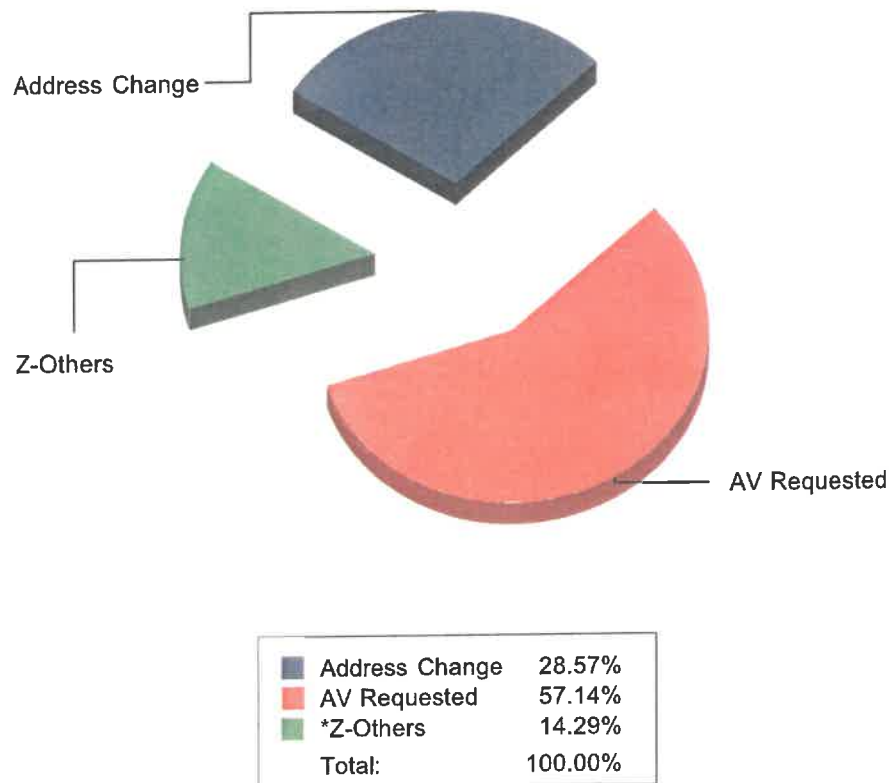
		*Valid	Rejected	Total
<b>Provisional Ballots Cast</b>		<b>6</b>	<b>1</b>	<b>7</b>

Reason for Rejection	# Rejected
Voted Absentee	1
<b>Total Rejections</b>	<b>1</b>



## Reasons for Voting Provisional

SEPTEMBER 13, 2022 BEREA WARD 01 RECALL ELECTION



**Note:** A voter may have more than one reason for voting provisionally but will only be listed in one category. (For Example: A voter who had both a Name Change and an Address Change will only appear in one category).

\* Z-Others may include:

- Voters who did not bring proper identification to the polls
- Voters that were not found in the poll book
- Voters who do not readily fit into one of the above categories

# Agenda Item

#4

**Death in Elected Office**

1. Todd Whitten, Linndale Village Council, Member of Council<sup>1</sup>

**Resignations from Elected Office**

1. Jason X. Blake, Garfield Heights City Council, Member of Council (Ward 5)<sup>2</sup>
2. Kristin L. Saban, Parma City Council, Member of Council (Ward 4)<sup>3</sup>

**Appointments to Elected Office**

1. Rachelle Tonsing, Garfield Heights City Council, Member of Council (Ward 5)
2. Gloria Karban, Linndale Village Council, Member of Council
3. Ryan Bilsky, Orange Village Council, Member of Council<sup>4</sup>

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<sup>1</sup> Term ends 12-31-2025; special election required at the November 2023 General Election required to fill the remaining two years of the term pursuant to the Village Charter.

<sup>2</sup> Term ends 12-31-2023; no special election required.

<sup>3</sup> Term ends 12-31-2023; no special election required. *Resignation effective 9-30-22 at midnight.*

<sup>4</sup> Filling the vacancy created by the resignation of Alan Charnas whose term ends 12/31/2025. At the 7-13-22 Meeting, the CCBOE acknowledged the vacancy and set the special election for the remaining two years of the term for the November 2023 General Election.



## Todd Edward Whitten

September 12, 1974 - August 18, 2022

Todd Edward Rex Whitten, 47, of Linndale, Ohio, formerly of Princeton, WV passed away on August 18, 2022 in Cleveland, Ohio.

Todd was born in Willoughby, Ohio on September 12, 1974. He was the son of Les Whitten of Mentor, OH and Dixie Whitten of Princeton, WV. Todd was a 1992 graduate of Princeton High School. He received his undergraduate degree at Concord University in Athens, WV where he graduated Cum Laude in 1996. He was the recipient of the David S. Roth Award for Outstanding English major and his professors had nicknamed him the "Renaissance Man". As a child, he enjoyed collecting baseball cards, watching movies, and reading. His hobbies expanded to writing, literature, playing guitar, collecting books, records, old movies and movie posters as he got older. Throughout his school aged years, he was recognized for his gifted mind and high intellect. Take heed, Todd was a lyrical poet. He composed stories, poems, song lyrics, novels and films. When he wasn't writing, he was at the theater, reading, visiting the library, or listening to or creating his own music. Often, he would write critiques of the films he watched and books he read. He played in a local band called 80 Proof while he was in college. After obtaining his undergraduate degree, he moved to the Cleveland, OH area and managed a bookstore in Tremont. He was lovingly known as the local "bookworm" by many clients. He also enrolled in Cuyahoga Community College where he took film classes. He spent many years working at the West Side Market and was the wildly popular "Crepe Nazi" at City Roast. There were constantly long lines of folks waiting to get their masterfully crafted crepe. That's where he met longtime girlfriend, Nicola. He also hosted trivia nights and other social events around Cleveland with his buddy, Jake. In 2016, he entered politics and was elected as a City Council member at the Village of Linndale. His wardrobe consisted of a long black sleeve button up shirt, khaki pants and sometimes, a beanie. He was a man of both simplicity and complexity. Stoic yet silly. Smart and funny. His mind was his greatest burden and his greatest gift. Hard-driving rock music of the seventies was a favorite genre of late but he had an appreciation for all types. A more recent favorite lyric was "Optimism doesn't change the facts, just what you're gonna see". As he always enjoyed a good debate he retorted with "But the upside, which the writer either doesn't mention or assumes is implied, is that the same holds true for pessimism". An obituary can't capture the depth, talents and accomplishments of this eclectic and enigmatic beast.

Survivors include mother, Dixie "Dickie" Whitten of Princeton, WV; father, Les (Sue) Whitten of Mentor, OH; sister, Krista (Jim) Toutant of Chardon, OH; niece, Jenna Toutant and nephew, Joshua Toutant also of Chardon, OH. He has many aunts, uncles and cousins living in OH, WV and SC. He also had many friends in Cleveland and West Virginia that are going to miss his epic self.

Local arrangements are being handled by Davis-Babcock Funeral Home in Willoughby, OH. Memorial services are pending for a later date locally and in Princeton, WV.

donation in Todd's name to your local animal shelter or Rescue Village, in Russell Township, OH New General Donation Form for RV Website ([rescuevillage.org](http://rescuevillage.org)) in lieu of flowers or other gifts. The family is considering other outlets to celebrate Todd's memory in the form of a scholarship and will be announced when details are finalized.

"And I'm walking home,  
My last bus is gone,  
But I'm dancing in the moonlight"

Peace out and rest easy son, brother, uncle and friend. You will forever be loved and treasured.

# Village of Linndale

## Oath of Office for Councilperson of the Village of Linndale, Ohio

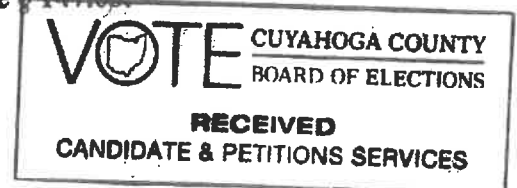
I, Gloria Karban, do solemnly swear that I will support the Constitution of the United States of America, the Constitution of the State of Ohio, and the ordinances of the Village of Linndale. I further swear that during my continuance in office, I will faithfully and impartially discharge and perform all duties incumbent upon me as a Councilperson of the Village of Linndale to the best of my skill and ability.

Gloria Karban  
Councilman Gloria Karban

Sworn to before me and subscribed in my presence according to law on this 6 day of September, 2022, in Linndale, Cuyahoga County, Ohio.

Ashlee McLaughlin  
Ashlee McLaughlin Esq.  
Notary Public

My commission does not expire under Ohio Revised Code § 147.03.



## Re: Councilmember change

Shannon Condon <scondon@linndalevillage-oh.gov>

Mon 9/12/2022 10:05 AM

To: Cory Milne <cmilne@cuyahogacounty.gov>

 1 attachments (234 KB)

Gloria Karban-Oath of Office Linndale.pdf;

Thank you Cory.

Please find attached the oath of office. Gloria does not have an email, but her phone number is 440-547-6783.

Thanks again for your help!

Shannon Condon  
Village of Linndale  
4016 West 119th Street  
Linndale, Ohio 44135  
216-251-6000

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**From:** Cory Milne <cmilne@cuyahogacounty.gov>  
**Sent:** Monday, September 12, 2022 9:35 AM  
**To:** Shannon Condon <scondon@linndalevillage-oh.gov>  
**Subject:** Re: Councilmember change

Hi Shannon,

So sorry to hear. Yes, I'm the correct person to contact. All we'll need is a copy of her signed oath of office, as well as email and phone number.

Thanks,

**Cory C. Milne**, Supervisor

Candidate & Petition Services Dept.

Phone: 216-443-3230 | [www.443vote.gov](http://www.443vote.gov)



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**From:** Shannon Condon <scondon@linndalevillage-oh.gov>  
**Sent:** Monday, September 12, 2022 9:13 AM  
**To:** Cory Milne <cmilne@cuyahogacounty.gov>  
**Subject:** Councilmember change

Hello Cory,



I wasn't sure who to contact, so I figured I would start with you. If you are not the correct person, please let me know.

One of our Councilmembers passed away last month, Todd Whitten. We held a special meeting last week and Council voted to fill his seat with Gloria Karban. What documents does the board of elections need to reflect this change?

Thanks for your help with this!

Shannon Condon  
Village of Linndale  
4016 West 119th Street  
Linndale, Ohio 44135  
216-251-6000



# The City of Garfield Heights

City Council

September 13, 2022

To: Brent E. Lawler  
Candidate & Petition Services  
Cuyahoga County Board of Elections  
2925 Euclid Avenue  
Cleveland OH 44115-2497

Mr. Lawler,

I am following up to see if you received the information regarding the changes to the Garfield Heights City Council. Jason X. Blake, elected councilman of Ward 5, resigned June 13, 2022. The appointment of Rachelle Tonsing was made and she was sworn in on July 7th, 2022. You may have already received this information; however, I recently obtained a corrected copy of the Oath of Office for Rachelle Tonsing. I apologize for the delay. I am attaching a copy of the resignation letter from Jason Blake and a copy of the Oath of Office for Rachelle Tonsing. The contact information for Rachelle Tonsing is listed below. Please contact me if you need anything else. Thank you.

**Rachelle Tonsing**  
**Councilwoman Ward 5, City of Garfield Heights.**  
**11912 Hastings Road**  
**Garfield Heights, Ohio 44125**  
**Public Phone Number: (216) 307-5211**

Lottie Overby  
[loverby@garfieldhts.org](mailto:loverby@garfieldhts.org)  
(216) 225-1910  
Clerk of Council  
City of Garfield Heights Ohio



June 13, 2022

Tim Riley  
Law Director  
City of Garfield Heights  
5407 Turney Rd.  
Garfield Heights, Ohio 44125

cc: Council President Thomas Vaughn

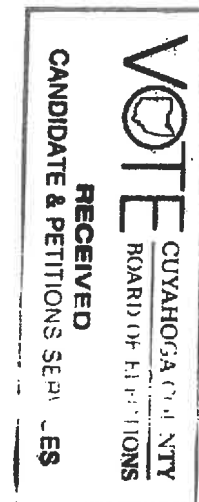
Mr. Riley,

At this time, and effective immediately, I am submitting written notification of my resignation as the Councilman in Ward 5 for the City of Garfield Heights. A job opportunity has presented itself that will conflict with my ability to attend meetings and provide adequate representation for the residents in the ward.

Sincerely,



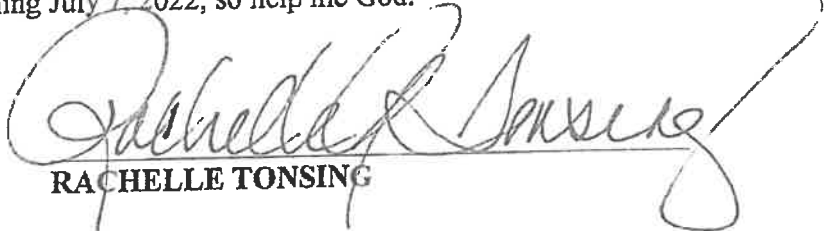
Jason X. Blake



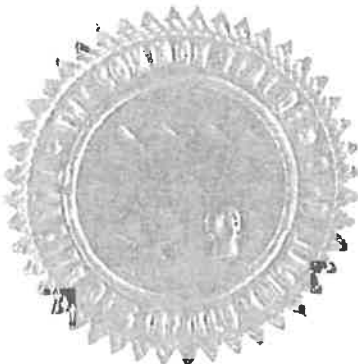
STATE OF OHIO                    )  
                                          ) ss.  
COUNTY OF CUYAHOGA )

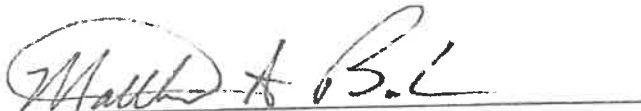
**OATH OF OFFICE**

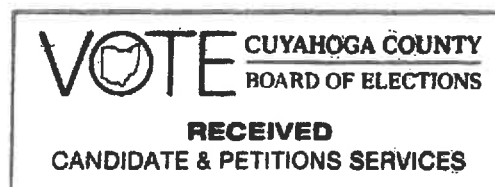
I, **RACHELLE TONSING**, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and all the laws enacted pursuant thereto, and the Charter and Ordinances of the City of Garfield Heights; that I will not be influenced by any consideration except that of merit and faithfulness in the appointment or discharge of employees; that I will not make or authorize the expenditure of public money, otherwise than for adequate consideration and efficient service to the City of Garfield Heights, and that I will faithfully, in all other respects, discharge the duties of my office as a Member of Council for the City of Garfield Heights, during the term of office beginning July 7, 2022, so help me God.

  
**RACHELLE TONSING**

**SWORN TO** and subscribed before me this 7th, Day of July, 2022.



  
**MAYOR MATTHEW A. BURKE**  
**GARFIELD HEIGHTS**



September 16, 2022

Council Clerk Kenneth A. Ramser  
6611 Ridge Road  
Parma, Ohio 44129

Re: Resignation

Dear Mr. Ramser,

Due to my recent appointment as Clerk of Council for the City of Parma, I am resigning my position on Parma City Council, Ward 4, effective Midnight on September 30, 2022.

It was an honor and privilege serving on Parma City Council.

Sincerely,

A handwritten signature in cursive script, reading "Kristin L. Saban". The signature is written in dark ink and is positioned above the printed name.

Kristin L. Saban



## OATH OF OFFICE

STATE OF OHIO           )  
                                      )  
COUNTY OF CUYAHOGA )

I, RYAN BILSKY, DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF OHIO, THE RULES, REGULATIONS AND CHARTER OF ORANGE VILLAGE; AND THAT I WILL FAITHFULLY, HONESTLY AND IMPARTIALLY DISCHARGE MY DUTIES AS A COUNCIL MEMBER OF ORANGE VILLAGE, STATE OF OHIO, DURING MY CONTINUANCE IN SAID OFFICE.

  
RYAN BILSKY

SWORN TO BEFORE ME AND IN MY PRESENCE SUBSCRIBED, THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2022. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF ORANGE VILLAGE THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2022.

  
KATHY U. MULCAHY  
MAYOR



22 SEP 20 PM 10:51



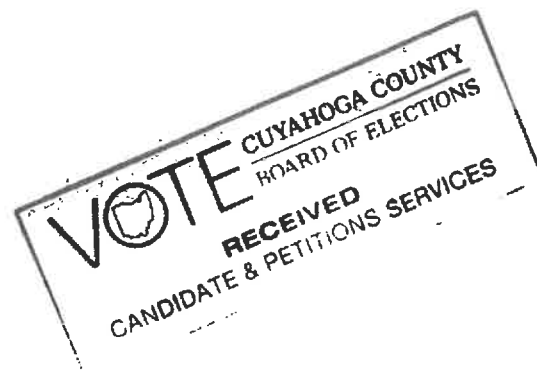
## New Council Member

Anna Girardi <[agirardi@orangevillage.com](mailto:agirardi@orangevillage.com)>

Tue 9/13/2022 7:52 AM

To: Brent Lawler <[blawler@cuyahogacounty.gov](mailto:blawler@cuyahogacounty.gov)>

Cc: Cory Milne <[cmilne@cuyahogacounty.gov](mailto:cmilne@cuyahogacounty.gov)>



1 attachments (208 KB)

Council Minutes 9-7-22 special DRAFT.pdf;

We have a new council member that was voted in on September 7, 2022 to replace Alan Charnas. His contact information is below:

Ryan Bilsky  
3991 White Oak Trail  
440-781-3885  
[ryanbilsky@gmail.com](mailto:ryanbilsky@gmail.com)

He has an Orange Village email but has not activated it yet. It is [bilskyr@orangevillage.com](mailto:bilskyr@orangevillage.com).

I attached the draft of the minutes from the meeting. Please let me know if you need anything else.

Thank you,

*Anna*

*Anna Girardi, Executive Assistant to Mayor Kathy Mulcahy*



*Council Clerk*

Orange Village  
4600 Lander Road  
Orange Village, OH 44022  
440-287-5131  
Fax 440-498-4404

**Orange Village is on Facebook!**



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Agenda Item

#5

# September 13, 2022 Recall Election Precinct Election Official Performance Report

## FULL RESULTS

The results in this report meet the standards of monitoring and assessing PEOs provided in Section 17.05 of the Election Official Manual. There was **1 Polling Location** in this election. The complete results of the PEO Performance Report are provided in a separate document.

## A. OPENING AND CLOSING OF POLLING LOCATIONS

1. Did the Polling Location open and close on time?
  - a. YES
2. Did the PEOs print, sign, and pack the zero tape(s) and summary report(s)?
  - a. YES
3. Did the PEOs sign the Oath of Office?
  - a. YES
4. Did the Polling Location correctly open/close all voting machines?
  - a. YES

## B. SELF-REPORTING OF PROBLEMS

1. Did the PEOs follow required procedures for reporting any voting machine/device issues to the board?
  - a. YES
2. Did the PEOs follow required procedures for reporting if/when the ballot supply ran low to the board?
  - a. N/A

## C. HANDLING OF PROVISIONAL BALLOTS

1. Did the PEOs properly issue Provisional ballots to voters, including directing Wrong-Polling Location voters to the correct Location?
  - a. YES
2. Did the PEOs properly tape the correct EPB slip to each Provisional Envelope?
  - a. YES

## D. RECONCILIATION AFTER POLLS ARE CLOSED

1. Did the PEOs complete their reconciliation duties?
  - a. YES

# September 13, 2022, Recall Election Official Canvass Certification Data

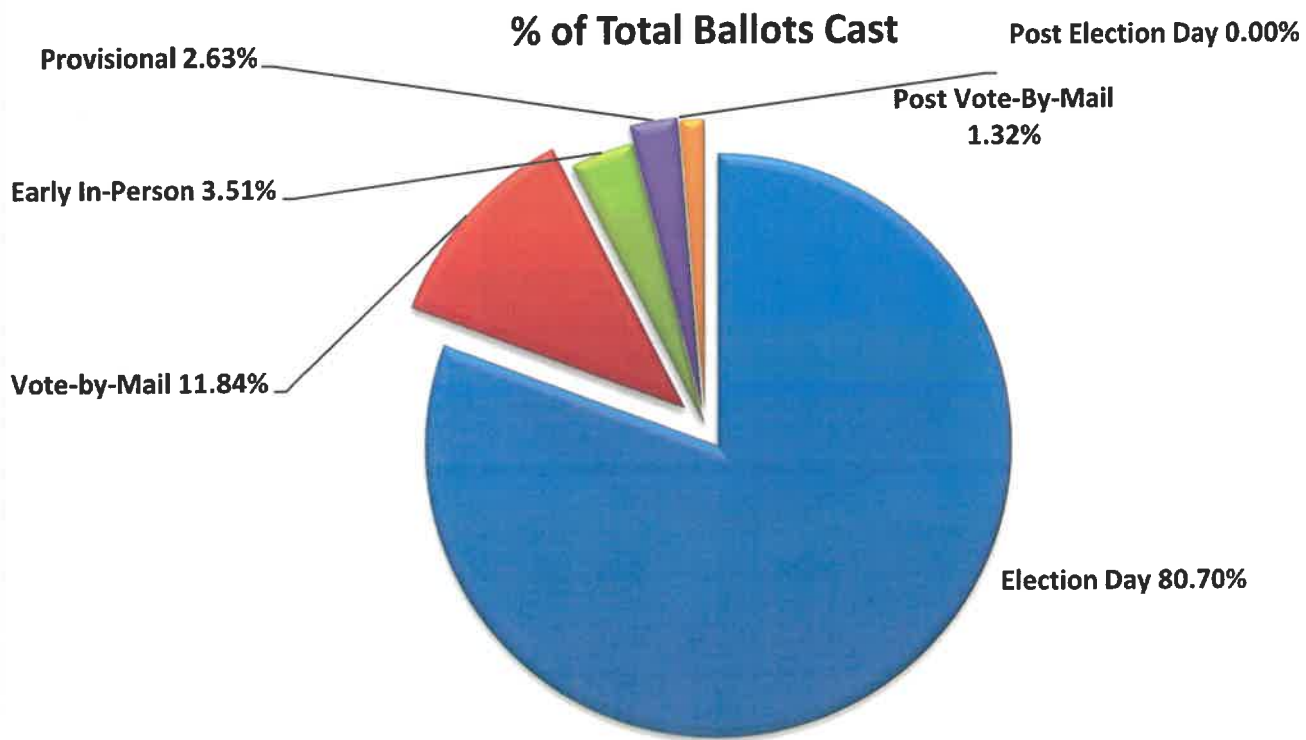
## FINAL RESULTS

Official Election Results for the September 13, 2022, Recall Election are attached to the Election Summary Report.

## SUMMARY OF OFFICIAL CANVASS

There were a total of 228 ballots tabulated for the September 13, 2022, Recall Election. Below is a breakdown of the ballots counted by category and a percentage of the total vote by category.

Category	Ballots Cast	% of Total Ballots Cast
<b><i>Election Day</i></b>	184	80.35%
<b><i>Vote-by-Mail</i></b>	27	11.79%
<b><i>Early In-Person</i></b>	8	3.49%
<b><i>Provisional</i></b>	6	2.63%
<b><i>Post Election Day</i></b>	0	0.00%
<b><i>Post Vote-By-Mail</i></b>	3	1.31%
<b>Total</b>	<b>228</b>	



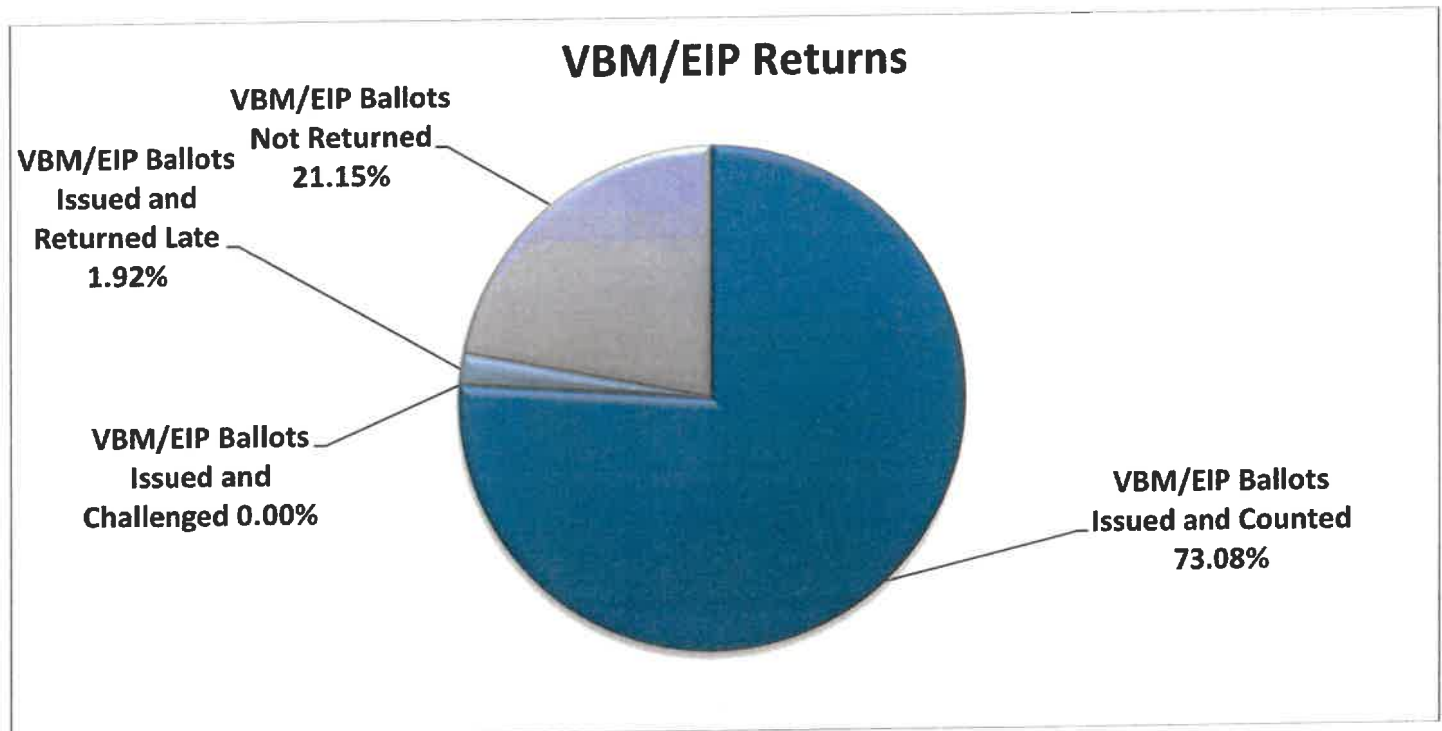
## VOTE-BY-MAIL/EARLY IN-PERSON SUMMARY

A total of 52 ballots were issued during Vote-by-Mail and Early In-Person voting. Of those ballots, 38 (73.08%) were returned and counted by the Ballot Department. There was 1 challenged or late VBM/EIP ballot, resulting in a 2.56% Challenge Rate for this election.

\*The Challenge Rate is 0.0% when voters who returned their ballot late are excluded.

VBM/EIP Data	Vote by Mail	Early In-Person	Military and Overseas	Total
Issued	43	8	1	52
Returned and Counted	30	8	0	38
Challenged	0	0	0	-
Returned Late	1	0	0	1
Not Returned	11	0	1	12

VBM/EIP Data - Challenge Rate	
Overall Return Rate	75.00%
Challenge Rate (Total)	2.56%
Challenge Rate (Late Removed)	0.00%



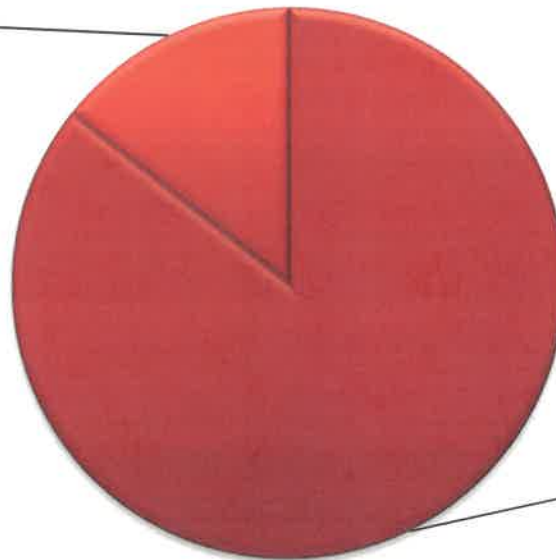
## PROVISIONAL VOTING SUMMARY

A total of 7 Provisional Ballots were cast during the September 13, 2022, Recall Election. Of those ballots, 6 (85.71%) were valid and tabulated by the Ballot Department. There was 1 invalid Provisional Ballot, resulting in an 14.29%\* rejection rate for this election.

Provisional Data		
Total Provisional Ballots Cast	7	
Valid Provisional Ballots	6	85.71%
Wrong Precinct, Correct Location of Valid Provisionals	0	0.00%
Rejected Provisional Ballots	1	14.29%
Rejection Category	Rejected	% of Total Rejections
Voted Absentee	1	100.00%

### Provisional Ballots

Voted Absentee,  
Not Registered  
14.29%



Valid Provisional  
Ballots Cast  
85.71%



## BALLOT REMAKES

During the election, 1 ballot sheet were processed in accordance with the CCBOE Remake Policy (approved by the Board on May 17, 2013). The overall remake rate for this election was 0.04%.

(\*) indicate categories in which no sheets are to be remade, rather the original ballot sheet is tabulated.

Reason for Remake	Number of Remakes	% of Total Remakes
1 - Ballot folded, torn or mutilated.	1	100.00%
2 - Ballot contains indeterminate marks not made by the voter.	0	0.00%
3 - UOCAVA Ballot that cannot be accurately read by automatic tabulating equipment.	0	0.00%
4 - Ballot contains votes for ineligible contest(s).	0	0.00%
5 - Inadvertent mark made by the voter, resulting in the scanner detecting an over vote or an indeterminate mark.	0	0.00%
6 - Voter marked entire ballot contrary to the instruction listed at the beginning of the ballot.	0	0.00%
*7 - Voter marked part of the ballot according to the ballot marking instructions contained on the ballot, and part of the ballot contrary to the instructions.	0	0.00%
*8 - Over vote, voter marked the ballot more than the permissible number of times for a particular contest, and there is no indication of contrary intent.	0	0.00%
9 - Voter marked the ballot more than the permissible number of times for a particular contest, however, the voter also made an indication of contrary intent and the voter's choice can be determined.	0	0.00%
*10 - Voter filled in the oval next to a candidate for an office and also cast a write-in vote for a different candidate for the same office by filling in the oval of, and the writing in of, the name of a write-in candidate.	0	0.00%
11 - Voter filled in the oval next to a candidate for an office and also cast a write-in vote for the same candidate for the same office by filling in the oval of, and the writing in of, the name of a write-in candidate.	0	0.00%
<b>Total</b>	<b>01</b>	<b>100.00%</b>

Category	Remake Count	Percent of Total
Unofficial Canvass	0	0.00%
Official Canvass	1	0.00%
<b>Total</b>	<b>1</b>	<b>100.00%</b>

Category	Remakes Removed	Remake Rate
Regular VBM & Provisional Ballot Scanning	0	0.00%
UOCAVA & Voted For Ineligible Contest	0	0.00%
<b>Total</b>	<b>0</b>	<b>0.00%</b>

## OVER VOTES

There were a total of 0 over votes recorded, resulting in a 0.0% over vote rate for the election.

## VOTER HISTORY / BALLOT RECONCILIATION

Two (2) precincts were involved in this election. Voter History is complete.

Ballot Reconciliation is complete.

## RECOUNTS

There is no automatic recount for this election.

## AUDIT

The post-election audit will be conducted along with the November election audit.

The audit will be conducted using the batch-based risk-limiting audit method.

# Agenda Item

#7

## Agenda Item #7:

Acknowledgment of the Ballot Proofs for the November 8, 2022, General Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting

# Agenda Item #8

**Resolution No. R2022-XX.XX.X (meeting month, day, and agenda number)**

WHEREAS, the Cuyahoga County Fiscal Office (CCFO) requires the Cuyahoga County Board of Elections (CCBOE) to provide multiple documents to the CCFO to facilitate the procurement and subsequent accounts payable functions associated with CCBOE contracts for goods and services from vendors. The Resolution is necessary for the CCBOE to continue to provide for the usual operational services critical to election administration.

RESOLVED, that the Cuyahoga County Board of Elections hereby authorizes the Director, on behalf of the Board, to undertake all actions necessary to procure the items identified in [STATEMENT OF WORK/ EXHIBIT A].

RESOLVED, this Resolution shall take effect and be in force immediately upon receiving the affirmative vote of a quorum of members of the CCBOE. All formal actions of this Board relating to the adoption of this Resolution were adopted in an open meeting of the Board, open to the public, and in compliance with all legal requirements of the Ohio Revised Code.

FURTHER RESOLVED, the Director and Chair are authorized to authenticate this resolution upon adoption through their signatures thereon, and the Director is instructed to transmit copies of this resolution to those individuals deemed necessary to effectuate the intent of its adoption.

Board Meeting Date: -----

Agenda Item: (Department and #)

Vendor: -----

Motion: (as presented on the agenda with any edits made during the meeting)

Motion made by: -----

Motion seconded by: -----

Vote of the Board Members:

Jeff Hastings, Chairman	<input type="checkbox"/> Yay	<input type="checkbox"/> Nay
Inajo Davis Chappell, Member	<input type="checkbox"/> Yay	<input type="checkbox"/> Nay
Lisa M. Stickan, Member	<input type="checkbox"/> Yay	<input type="checkbox"/> Nay
Terence McCafferty, Member	<input type="checkbox"/> Yay	<input type="checkbox"/> Nay

Resolution adopted at the Cuyahoga County Board of Elections meeting on \_\_\_\_\_  
\_\_\_\_\_ 2022

Signature of Chairman \_\_\_\_\_

Signature of Director \_\_\_\_\_



# Agenda Item #9



# CUYAHOGA COUNTY BOARD OF ELECTIONS

Jeff Hastings  
Chairman

Inajo Davis Chappell  
Member

Lisa M. Stickan  
Member

Terrence M. McCafferty  
Member

Anthony W. Perlatti  
Director

Anthony N. Kaloger  
Deputy Director

## Memorandum

**To:** Board Members

**Cc:** Anthony W. Perlatti, Director  
Anthony N. Kaloger, Deputy Director

**From:** Shaunquitta Walker, Fiscal Services Manager

**Date:** September 26, 2022

**Re:** Election Night Drivers November 8, 2022 General Election

As you are aware, a General Election will take place on November 8, 2022. The Board needs to secure drivers to work election night for the transporting of various election materials, including ballots.

An unrestricted, informal bid was conducted through the Cuyahoga County's procurement system, INFOR, to 57 registered suppliers. The bid closed on Thursday, September 15, 2022 at 3:00pm EST. There were only two bidders. A second effort was performed to attempt to obtain a minimum of three (3) quotes by extending the open bid period. The second effort bid closed Tuesday, September 20, 2022, at 2:00pm EST. where no additional quotes were obtained. Please see bid summary below:

Bid Tabulation			
Rank	Bidder Name	Total	
1	R-CAP Security, LLC	\$ 28,410.00	
2	Willo Security, Inc.	\$ 28,340.00	*
* Lowest, Best Bidder			

Willo Security, Inc. was the lowest and best bidder for a total of \$28,340.00 for the use of 66 election night drivers.

See summary of the total expected costs for the drivers and the driver supervisor.

Quantity	Item	Rate	Unit	Total
429	Cost per hour for 66 drivers to work 6.5 hours each	\$ 65.00	per hour	\$ 27,885.00
7	Cost per hour for 1 supervisor to work 7 hours	\$ 65.00	per hour	\$ 455.00

Necessary funds were allocated in the 2022 BOE General Election Budget for this purpose.

# Agenda Item #10

**Voucher Summary**

**Board Approval Date September 29, 2022**

			<b>\$194,896.05</b>
		<b>Amount</b>	
<b>Vendor</b>	<b>Department</b>	<b>Description</b>	<b>Amount</b>
PO22002262	Northern Flooring Specialists Fiscal Services	Carpet tiles and supplies for capital project - Board of Elections main building carpet installation.	\$194,896.05

# New Business

## Ernest Smith East Cleveland Ward 3 Recall Petition Summary Report

On Thursday September 1, 2022 East Cleveland Council person Ernest Smith appeared before the Board Members of the Cuyahoga County Board of Elections at a publicly noticed meeting regarding the East Cleveland Member of Council Ward 3 Recall Petition. During that meeting Ernest Smith presented statements from four petition signers stating the following.

Three identical statements from signers Linda Sharpley, Derick Sharpley and Fred Cooper states:

*"I was told by Twon Billings that the petition he had me sign was to recall Brandon King. Only after talking with Council person Ernest Smith, did I find out that Twon Billings lied and had me sign a recall petition against my Council Person Ernest Smith and not Mayor King.*

The fourth statement from Sarah Bogarty states:

*"I was told by Dawn Jones that the petition she had me sign was to **keep** Ernest Smith as my Council person".*

The board instructed Deputy Director Kaloger to meet with Ernest Smith and look into the matter.

- Ernest Smith told Deputy Director Kaloger that after learning that there was a petition to have him recalled, he obtained copies of the petition and recognized several names on the petition. Councilmember Smith visited those petition signers homes and asked them how he had fallen short as a councilmember and what he could do better in the future?
- Councilmember Smith said at first they denied signing the petition to have him recalled. He then presented copies of the petition with their signatures. After reviewing their signatures, they said they were tricked into signing the petition to have him recalled.
- Ernest Smith then had a member of his staff prepare the signer statements for them to sign.
- Councilmember Smith stated people are now going around claiming that he was intimidating people to sign the statements. Councilmember Smith said he's not pressuring anyone, he just wanted to know what he could do better.

Director Perlatti and Deputy Director Kaloger left a message for Twon Billings. On September 14<sup>th</sup> Twon Billings appeared at the CCBOE and met with Deputy Director Kaloger.

- Mr. Billings said the purpose of the petition is on each page of the petition and clearly shows that the petition is to recall Councilmember Ernest Smith. Mr. Billings stated to Deputy Director Kaloger and Alaina Marincic that he did not miss represent the purpose of the Ernest Smith recall petition to any petition signer.

### Additional Facts:

- Upon examination of the voter registration records of the four petition signers who submitted statements, 3 of the 4 petition signers signed both the petition to recall Brandon King and later signed the petition to recall Ernest Smith.
- Twon Billings did not circulate any petitions to recall Brandon King.
- The petition signers signed their statement only after being approached by Ernest Smith.
- The statements submitted by Ernest Smith were not notarized.
- The petition to recall Ernest Smith required 154 valid signatures, 168 valid signatures were collected.



**Conclusion:**

Based on the information learned from the discussions with Councilmember Smith and Mr. Billings, along with the other relevant facts in this matter, Director Perlatti and Deputy Director Kaloger do not feel it is necessary to contact for questioning the four individuals who have provided a statement to Councilmember Smith.

It is reasonable to believe from Councilmember Smith's verbal statements to Deputy Director Kaloger that the petition signers in question were uncomfortable with the questions presented by Councilmember Smith during his unannounced visit. They did not seek out Councilmember Smith and initially denied signing the petition. Not until Councilmember Smith presented to them a copy of the petition did the individual change their position and represented that Mr. Billings "tricked" them into signing the petition.

Signing a recall petition can be an uneasy decision for an individual on itself. Then a petition signer being questioned by the elected official who is subject to the recall can cause another level of discomfort. There is no reason for staff to believe that Councilmember Smith intimidated the petition signers. However, the mere situation the petition signers were placed in could suggest that the individuals did knowingly sign the petition and subsequently made their statements to Councilmember Smith to the contrary to end the conversation.

The foregoing analysis along with Mr. Billings' statement and the fact that no additional petition signers have come forward with a similar statement of deception, have led staff to conclude there was a likely misunderstanding among the involved parties.

Based on the foregoing Director Perlatti and Deputy Director Kaloger believe the matter has been adequately investigated and recommend the matter be closed.